

Linda Miller
June 22, 2017

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No.: 16-cv-1031 RHK/KMM

Kevin Khottavongsa,
As Trustee for the Heirs
And Next of Kin of
Sinthanouxay Khottavongsa,

Plaintiff,

v.

City of Brooklyn Center,
Police Officers Alan Salvosa,
Cody Turner, and Gregg Nordby,
acting in their individual
capacities as City of Brooklyn
Center police officers,

Defendants.

DEPOSITION OF LINDA MILLER
Pages 1 through 105

June 22, 2017
3:24 p.m. - 5:20 p.m.
Almerico & Mooney
Meridian One Building
4350 West Cypress Street
Suite 275
Tampa, FL 33607

Stenographically Reported By:
Teresa R. Cruise
Notary Public, State of Florida
U.S. Legal Support, Inc.
(813) 876-4722

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June 22, 2017

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APPEARANCES:

On Behalf of the Plaintiff:

Gustafson Gluek, PLLC

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BY: JOSHUA J. RISSMAN, ESQUIRE

On Behalf of the Defendants:

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Bloomington, MN 55438

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BY: JON K. IVERSON, ESQUIRE

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The deposition of LINDA MILLER, was taken pursuant

to notice by counsel for the Plaintiff on

Thursday, June 22, 2017, commencing at 3:24 p.m.

at Almerico & Mooney, Meridian One Building,

4350 West Cypress Street, Suite 275,

Tampa, Florida 33607.

Said deposition was reported by Teresa R. Cruise,

Notary Public, State of Florida at Large.

THE COURT REPORTER: Would you raise your

right hand, please? Do you swear or affirm that

the testimony you are about to give will be the

truth, the whole truth, and nothing but the

truth, so help you God?

THE WITNESS: Yes.

THEREUPON:

LINDA MILLER,

having been first duly sworn, was examined and

testified as follows:

EXAMINATION

BY MR. RISSMAN:

Q. Good afternoon, ma'am. Could you please

state your name for the record?

A. Linda Miller.

Q. All right. Ms. Miller, have you ever had

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DEFENDANT'S EXHIBITS:

NO. DESCRIPTION PAGE

(NO EXHIBITS MARKED)

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Page 5

your deposition taken before?

A. Yeah, maybe, some years ago.

Q. Okay. What type of case was that?

A. A criminal murder (sic).

Q. Did you say "criminal murder"?

A. It was a murder case, yes.

Q. Okay. Were you a witness?

A. Yes.

Q. And did you testify in court?

A. Yes.

Q. Do you remember when that was?

A. Oh, wow.

Q. Approximately.

A. Maybe 2002, 2005.

Q. Do you remember the name of the person --

the defendant?

A. No.

Q. Do you remember the name -- did you know the

name of the person who was murdered?

A. No. I know the -- the attempted murder

charges was on a guy named PD. I don't remember his

real name, but they called him PD.

Q. Okay. And so it was an attempted murder or

a murder?

A. It was a murder/attempted murder.

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6 to 9

Page 6	Page 8
1 Q. Oh, okay.	1 A. No.
2 A. Two people were shot.	2 Q. Did you do anything to prepare for today's
3 Q. Two people, gotcha.	3 deposition?
4 A. Yeah, two people.	4 A. No.
5 Q. Two people were shot.	5 Q. Okay. Are you currently a resident of
6 And you saw them shot?	6 Florida?
7 A. Uh-huh.	7 A. Yes.
8 Q. Okay.	8 Q. Okay. What's your address?
9 A. Well, I didn't see them shot. I was in the	9 A. 1817 French Creek Road, Apartment 4, Tampa,
10 vicinity; and the guy that survived, I drove him to	10 Florida 33613.
11 the hospital.	11 Q. Okay. And you were previously a resident in
12 Q. Okay. Do you know if they were convicted?	12 Minnesota?
13 A. I'm not sure.	13 A. Yes.
14 Q. Okay. Well, it's probably going to be a --	14 Q. Do you still have property in Minnesota?
15 well, similar to that, just that we're not in a	15 A. No.
16 courtroom; but you are under oath.	16 Q. Okay. And why did you move to Florida?
17 I'm going to ask you questions, you answer	17 A. A life change.
18 the questions. If there's a question you don't	18 Q. A life change.
19 understand, let me know, and I'll try to clarify it.	19 Okay. And where do you work?
20 If you want me to repeat the question, that's fine.	20 A. I work for Optum, O-p-t-u-m.
21 A. Okay.	21 Q. And what do you do for Optum?
22 Q. We might watch some video here today or	22 A. I am a fraud investigator.
23 listen to some audio, and so you can ask me to repeat	23 Q. How long have you done that?
24 the audio or the video as many times as you want.	24 A. I just received that role as of March, I
25 But if you respond to a question, we'll assume you	25 believe, of this year. I've been within the company
Page 7	Page 9
1 understood it.	1 permanently for two and a half years, been within the
2 A. Yes.	2 company for over ten years.
3 Q. That make sense?	3 Q. Okay.
4 A. Uh-huh.	4 THE COURT REPORTER: Exhibit 1 or A, sir?
5 Q. Please give verbal answers, "Yes," or "No,"	5 MR. RISSMAN: Let's go with 1.
6 it's much better than "Huh-uh," or "Um," because the	6 (Plaintiff's Exhibit No. 1 was marked for
7 court reporter here is taking everything down we're	7 identification.)
8 saying.	8 BY MR. RISSMAN:
9 A. Okay.	9 Q. Ms. Miller, you've been handed what's been
10 Q. Okay. And it tends to happen sometimes, we	10 marked as Exhibit 1. The first page is a letter from
11 try to -- we talk over each other in the course of	11 Iverson Reuvers Condore, and then after that you
12 conversation. But because the court reporter is	12 have -- it says the, "Affidavit of Linda Miller," and
13 taking down everything you say, it's good if I -- I	13 then on page -- I guess that's the fourth page,
14 will do my best to let you finish your answer if you	14 there's a statement. Do you see that?
15 can let me finish my question. And Mr. Iverson here	15 A. Yes.
16 may, from time to time, object.	16 Q. Okay. And on the fourth page at the bottom,
17 A. Okay.	17 there's a signature at the bottom. Do you see that?
18 Q. And he may also have some questions for you	18 A. Yes.
19 after I'm done.	19 Q. Is that your signature?
20 A. Okay.	20 A. Yes.
21 Q. And so that's kind of how everything works.	21 Q. Okay. And so I take it you -- this is your
22 Does that make sense?	22 affidavit?
23 A. Makes sense.	23 A. Yes.
24 Q. Okay. Is there anything that would prevent	24 Q. And how did you come to write this
25 you from testifying truthfully today?	25 affidavit?

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10 to 13

Page 10	Page 12
<p>1 A. I received a call from an attorney, which I</p> <p>2 assume it was LeAnn -- I'm not exactly sure of her</p> <p>3 name -- but she just -- she gave me a call and asked</p> <p>4 me to do a deposition. She sent the notary to my</p> <p>5 house, had it notarized -- or not deposition, sworn</p> <p>6 statement.</p> <p>7 Q. Sworn statement.</p> <p>8 And was that -- and do you know if it was</p> <p>9 LeAnn Hildebrandt?</p> <p>10 A. I believe so.</p> <p>11 Q. Okay. Do you remember when LeAnn</p> <p>12 Hildebrandt contacted you, approximately?</p> <p>13 A. Oh, gosh. February -- I believe it was</p> <p>14 March she contacted me. I don't know an exact date.</p> <p>15 I know it was shortly right after I got here.</p> <p>16 Q. Okay. And did you give her a description of</p> <p>17 what you might say in the affidavit?</p> <p>18 A. Did I? I believe -- yes, I did.</p> <p>19 Q. And, then, did you -- and so the second page</p> <p>20 here where it says, "Affidavit of Linda Miller," and</p> <p>21 it's sort of -- can you flip back one page after the</p> <p>22 letter, yep -- did you -- did they provide that part</p> <p>23 for you?</p> <p>24 A. I'm sorry?</p> <p>25 Q. If you look on the second page where it</p>	<p>1 important in this affidavit that you could remember?</p> <p>2 A. Yes.</p> <p>3 Q. Sitting here today, is there anything that</p> <p>4 you can remember that you forgot to put in the</p> <p>5 affidavit?</p> <p>6 A. I believe there was a belt used in the</p> <p>7 assault against the African American guy that was</p> <p>8 there by the -- I'm not sure of the nationality,</p> <p>9 Chinese, Vietnamese -- the young man -- the gentleman</p> <p>10 that had passed away.</p> <p>11 Q. Okay. Anything else?</p> <p>12 A. Not that I can think of offhand. I believe</p> <p>13 that's the only detail I left out.</p> <p>14 Q. Okay.</p> <p>15 A. I guess I would actually have to read over</p> <p>16 it again.</p> <p>17 Q. Do you want to read over it now?</p> <p>18 A. Sure.</p> <p>19 Q. We're going to go over it so you might as</p> <p>20 well read over it now --</p> <p>21 A. Okay.</p> <p>22 Q. -- and get familiarized.</p> <p>23 A. Okay.</p> <p>24 Q. Okay. And I'm just going to ask you the</p> <p>25 same question: Anything that you remember, sitting</p>
Page 11	Page 13
<p>1 says, "Affidavit of Linda Miller" -- yes -- did they</p> <p>2 provide -- did LeAnn Hildebrandt provide that part</p> <p>3 for you or did you type that up?</p> <p>4 A. She provided this portion.</p> <p>5 Q. Okay. And then did you write the part that</p> <p>6 starts on page four, "To Whom it May Concern"?</p> <p>7 A. Yes, I did.</p> <p>8 Q. Did they give you any help writing that?</p> <p>9 A. No.</p> <p>10 Q. Did they give you any suggestions as to what</p> <p>11 you should put in?</p> <p>12 A. No.</p> <p>13 Q. Okay. Is there anything they told you not</p> <p>14 to put in there?</p> <p>15 A. No.</p> <p>16 Q. Okay. And at the bottom of that, it says,</p> <p>17 "This is my sworn" -- and I'm sorry -- do you</p> <p>18 remember when you sent it back to Ms. Hildebrandt?</p> <p>19 A. I would -- gosh, no, I don't. I don't know</p> <p>20 the exact date. I would have to check my e-mails.</p> <p>21 Q. Okay. At the bottom of the page four, where</p> <p>22 you are, it says, "This is my sworn statement on what</p> <p>23 I recall from that evening."</p> <p>24 A. Yes.</p> <p>25 Q. Do you see that? And so you put everything</p>	<p>1 here today, that you forgot to put in there, other</p> <p>2 than the reference to the belt?</p> <p>3 A. No.</p> <p>4 Q. Okay. What time did you arrive at the coin</p> <p>5 laundry that evening, approximately?</p> <p>6 A. Oh, gosh, Daylight Savings -- I'm going to</p> <p>7 say approximately 4:00 p.m. I believe it got dark</p> <p>8 around 6:00 or 7:00 p.m. in Minnesota at that time,</p> <p>9 so I went about 4:00 p.m.</p> <p>10 I believe that this all happened at</p> <p>11 approximately 5:30 p.m., 6:00 p.m., 6:30, maybe, at</p> <p>12 the latest. But I'm not 100 percent sure about that.</p> <p>13 Q. Okay. And when the altercation started,</p> <p>14 were you almost finished with your laundry?</p> <p>15 A. Yes.</p> <p>16 Q. So you were -- were you getting ready to</p> <p>17 leave?</p> <p>18 A. My stuff was in the dryer.</p> <p>19 Q. Your stuff was in the dryer?</p> <p>20 A. Yeah. The last few minutes of the dryer,</p> <p>21 maybe ten or fifteen minutes.</p> <p>22 Q. And were you with anybody?</p> <p>23 A. My daughter and my grandson.</p> <p>24 Q. How old is your grandson?</p> <p>25 A. He is five now. He -- I believe he was</p>

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14 to 17

Page 14	Page 16
1 three or four when this happened.	1 Q. And who do you understand the owners to be?
2 Q. Okay. Yeah. I mean, I should say the	2 A. As I said, I'm not sure of the nationality,
3 incident that we're discussing took place on	3 Vietnamese or Chinese American people.
4 January 16, 2015 (sic).	4 Q. Asian?
5 A. Okay. Okay. Thank you.	5 A. Asian. Okay.
6 Q. Does that seem right to you?	6 Q. Is that a man and a woman?
7 A. Yep. Sounds right.	7 A. I mainly saw the lady.
8 MR. IVERSON: 2015.	8 Q. Okay.
9 MR. RISSMAN: I'm sorry, 2015. Thank you.	9 A. I seen the man maybe once, but I seen the
10 THE WITNESS: Yes, 2015.	10 lady every time I went. I generally did laundry
11 MR. RISSMAN: January 16th, 2015. That's	11 probably twice a month there.
12 right.	12 Q. Okay. Did you see the -- so you referenced
13 BY MR. RISSMAN:	13 the three African American people in your affidavit
14 Q. And how old, at that time, was your	14 on the first and second line there. "When three
15 daughter?	15 African American people (one woman and 2 men) walked
16 A. Oh, gosh. She was 18, I believe, 18 or 19,	16 in with a small bag."
17 because she's 21 now.	17 Do you see that?
18 Q. Okay. Does she still live in Minnesota?	18 A. Yes.
19 A. Yes.	19 Q. Okay. Did you see them enter the premises?
20 Q. What's her name?	20 A. Yes.
21 A. Shaquira, S-h-a-q-u-i-r-a, last name,	21 Q. Okay. And what did they do?
22 Palmer, P-a-l-m-e-r.	22 A. They were walking in the direction towards
23 Q. Palmer?	23 the restroom. The Asian lady owner told them they
24 A. Palmer, yes.	24 couldn't come in. The lady held up a bag and said,
25 Q. And what's her address?	25 "I'm doing laundry." The Asian lady was, like, "No,
Page 15	Page 17
1 A. She doesn't have an address right now.	1 you're not. You guys need to leave."
2 She's actually staying from house to house.	2 And as they were leaving out, they were back
3 Q. Okay. Does she have a phone number?	3 and forth at each other. All three African Americans
4 A. Yes. And I don't believe her phone is on,	4 were speaking back to the Asian lady, basically,
5 but I'll give you her number -- best way to reach her	5 yelling at each other.
6 is probably Facebook -- (612) 245-4136.	6 Q. Okay.
7 Q. 4-1-3-6?	7 A. And -- but they began to walk out the door.
8 A. Correct.	8 After she said, "No, you're not," they turned and
9 Q. And did she -- did she witness -- do you	9 slowly began to walk out the door.
10 know if she witnessed the same events that you did?	10 Q. At any point did they refuse to leave?
11 A. Yes, she did.	11 A. No.
12 Q. Okay. Did you drive a vehicle to the coin	12 Q. And how long would you say they were in
13 laundry?	13 there before they -- you say they walked out the
14 A. Yes.	14 door?
15 Q. What kind of vehicle?	15 A. Give them, tops, 20 seconds.
16 A. An '02 Chevy TrailBlazer, red.	16 Q. 20 seconds?
17 Q. Okay. And did you come to that location to	17 A. Yeah. In and out.
18 do laundry before?	18 Q. Okay.
19 A. Yes.	19 A. She caught them as soon as they were walking
20 Q. Often?	20 in the door; maybe the door closed behind the last
21 A. Often.	21 person. They were proceeding to the restroom, and
22 Q. Had you ever spoken to the owners?	22 she stopped them.
23 A. "Hi," "Bye," "Dryer's not working."	23 And they said, "I'm doing laundry." She's,
24 Q. You didn't know them personally?	24 like, "No, you're not. Get out." And they're, like,
25 A. No.	25 "We're doing laundry," and cussing back and forth at

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18 to 21

<p style="text-align: right;">Page 18</p> <p>1 each other.</p> <p>2 Q. Uh-huh.</p> <p>3 A. But, at the same time, they were leaving</p> <p>4 when she asked them to leave.</p> <p>5 Q. Okay. So did you hear the African</p> <p>6 American -- one or more of the African American</p> <p>7 people use profanity towards the Asian woman?</p> <p>8 A. That, I don't recall exactly what was said.</p> <p>9 I can't say who cussed at who first, who cussed at</p> <p>10 who the most. I just know that they were verbally</p> <p>11 going back and forth at each other.</p> <p>12 I'm not exactly sure what they were saying,</p> <p>13 besides the fact that, "We'll leave your laundry</p> <p>14 mat," or -- I'm not 100 percent sure.</p> <p>15 Q. But they were cussing that night?</p> <p>16 A. They were.</p> <p>17 Q. They were cussing at her?</p> <p>18 A. They were both going back and forth at each</p> <p>19 other, yes.</p> <p>20 Q. They were cussing at each other?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. But it was just, at this point, the</p> <p>23 Asian owner exchanging words with three people,</p> <p>24 right?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 20</p> <p>1 door. I snatched him up, and I'm, like, "You guys</p> <p>2 are fighting by my grandson."</p> <p>3 They continued to rough around a little bit</p> <p>4 in that area. I proceeded to grab my grandson, go to</p> <p>5 the back of the laundry mat, told my daughter, "Hurry</p> <p>6 up, get the stuff out of there." When I looked up --</p> <p>7 I'm not exactly sure how long it was -- but when I</p> <p>8 looked up they were outside. They were outside</p> <p>9 fighting. Well, not even fighting.</p> <p>10 The two Asian guys grabbed the one black guy</p> <p>11 that they pulled back in and fought inside. One</p> <p>12 guy -- not the guy that passed away, the other Asian</p> <p>13 guy -- had the guy like this (indicating). And the</p> <p>14 guy's, like, "Let me go, let me go."</p> <p>15 And the other Asian guy had -- I believe the</p> <p>16 first weapon was a belt. So I think he was hitting</p> <p>17 him with the belt buckle as the other guy's holding</p> <p>18 him.</p> <p>19 Q. Okay.</p> <p>20 A. And he's telling him, "I'm not going</p> <p>21 nowhere. Stop hitting me." I don't know if the belt</p> <p>22 broke, if he lost handle of the belt, but somehow or</p> <p>23 another, a rod, a metal rod came about.</p> <p>24 By the time all of this is going on, my</p> <p>25 daughter and I had snatched all our stuff out the</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. And the Asian owner is pretty --</p> <p>2 she's pretty small, right?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever hear them threaten her?</p> <p>5 A. No.</p> <p>6 Q. Are you positive they didn't or you just</p> <p>7 didn't hear it?</p> <p>8 A. I'm positive no one threatened anyone.</p> <p>9 Everybody's just like -- she's just, like, "Get out."</p> <p>10 And they're like, "Well, we were doing laundry. F</p> <p>11 (sic) your laundry mat," you know, back and forth.</p> <p>12 She's, like, "Whatever, get out, get out." And</p> <p>13 they're steadily talking trash while they're walking</p> <p>14 out.</p> <p>15 And as they were getting to the door, she</p> <p>16 yelled in the back and a couple of the guys came from</p> <p>17 the back. The first guy and the lady made it out the</p> <p>18 door; the door was still open for the third guy to</p> <p>19 come out. By this time the two Asian guys came from</p> <p>20 the back, running out the back.</p> <p>21 And they grabbed the last guy going out and</p> <p>22 brought -- pulled him back in. They were fighting on</p> <p>23 the chairs right there at the door, on the left side</p> <p>24 facing the door inside the laundry mat. My grandson</p> <p>25 was in that third -- second or third chair by the</p>	<p style="text-align: right;">Page 21</p> <p>1 dryer, hurry up, threw it in the car; and I put my</p> <p>2 grandson in the car.</p> <p>3 So I see him there with the metal rod. And</p> <p>4 the lady walks up to him -- the black lady walks up,</p> <p>5 and I think she said, "Why are you hitting my</p> <p>6 husband," or "Stop hitting my husband," or "My</p> <p>7 boyfriend." And the guy that passed away, he turned</p> <p>8 around and he hit her with the rod; if I'm not</p> <p>9 mistaken, she was pregnant.</p> <p>10 She backed up and he continued to beat the</p> <p>11 guy. And I'm, like, "Why are you hitting him? He's</p> <p>12 not fighting you back." And I'm guessing they didn't</p> <p>13 hear me, or they blocked me out; no one turned around</p> <p>14 or anything.</p> <p>15 I grab my phone -- my daughter was in the</p> <p>16 car, my grandson's in the car, all my laundry -- I</p> <p>17 grabbed my phone to record, but it didn't record. I</p> <p>18 thought I was recording. And the gentleman that</p> <p>19 passed away, he saw me, he walked my way. He's,</p> <p>20 like, "Stop recording me. Put the fucking camera" --</p> <p>21 or "Put the damn -- stop damn recording me,"</p> <p>22 something of that effect.</p> <p>23 And I'm, like, "You better not hit me with</p> <p>24 that rod." And he went like this, and in the back of</p> <p>25 me I heard someone saying, "Put it down. Drop it,</p>

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22 to 25

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1 drop it now." And I looked back and it was the	1 Q. And then you saw him get Tasered?
2 police. So I ran -- kind of walked back because he	2 A. Then I saw him get Tased (sic).
3 wasn't that far behind me -- kind of went back there	3 Q. Okay. And I don't know if you know how a
4 with him.	4 Taser works, but basically two darts come out --
5 And he's -- the police officer's holding the	5 A. Uh-huh.
6 Taser and he's, like, "Put it down, drop the -- drop	6 Q. -- and then the person's shot. Did you see
7 it, drop it." The Asian guy turned around -- turned	7 him get -- the darts kind of hit him?
8 away from us and started walking towards the laundry	8 A. No.
9 mat door. And I believe he had -- the police already	9 Q. Did you see him fall?
10 had the black guy on the ground. And the guy was	10 A. I seen him fall.
11 like he was going to hit him even though he was	11 Q. Okay.
12 already on the ground.	12 A. And you heard him fall.
13 And that's when the police Tased (sic) him,	13 Q. You heard him fall?
14 and he fell and he hit his head.	14 A. Because you could hear his head hit the
15 Q. Okay. Well, I appreciate you giving us the	15 ground.
16 whole account.	16 Q. Okay.
17 A. Uh-huh.	17 MR. IVERSON: Counsel, I don't mean to
18 Q. Unfortunately, we have to kind of go through	18 interrupt your flow, but for the record, you said
19 things --	19 he had his arms, "like this." And "like this,"
20 A. Okay.	20 you have your arm up, cocked at a 45-degree
21 Q. -- kind of piece-by-piece. So let me see if	21 angle; is that correct?
22 we can back up a little bit here. So I'll kind of	22 THE WITNESS: Correct. Ready to swing.
23 start at the end there.	23 That's the way he looked.
24 So you said that the guy who was Tasered was	24 MR. IVERSON: So kind of like throwing a
25 going to hit the black guy who was on the ground	25 baseball motion with your hand right now or --
Page 23	Page 25
1 right before he was Tasered?	1 THE WITNESS: Yeah.
2 A. Correct.	2 MR. IVERSON: Okay. Thank you.
3 Q. Okay.	3 BY MR. RISSMAN:
4 A. He still had the rod up.	4 Q. Okay. And are you sure of that?
5 Q. He had the rod up?	5 A. I'm pretty sure of that.
6 A. He had --	6 Q. Why --
7 Q. He was going -- so he was going to hit him,	7 A. I'm positive of that because I know he still
8 the black guy, with the Taser?	8 had the rod up and the officer's telling him to drop
9 A. Yeah.	9 it. He was facing me first. I ran behind the
10 Q. So his back was turned to the police	10 officer, so he saw the officer right there. The
11 officer?	11 officer's yelling at him, "Drop the Taser" -- or,
12 A. As he was walking towards the other --	12 "Drop it, drop it." I'm not sure if he said, rod,
13 yes -- gosh. "Put it down," ran back there, put the	13 stick, or whatever, he just kept telling him to drop
14 Taser down -- he -- yes. He was getting ready to	14 it. And he didn't drop it.
15 walk towards -- or he was walking towards -- back	15 His arm stayed up. He turned around and he
16 towards the laundry mat doors.	16 started walking towards the people that were on the
17 If I'm not mistaken, the black guy was on	17 ground, which was the black man that was on the
18 the ground right there by the door. And the Asian	18 ground; and he was Tased.
19 guy walked up, was just like this (indicating),	19 Q. Okay.
20 walking towards him.	20 A. I'm not sure if the Tase (sic) hit him in
21 And the officer was still yelling at him to,	21 the side, or hit him in the back, but I know he was
22 "Drop it." He kept saying -- he said it several	22 Tased.
23 times -- "Drop it. Drop the weapon, drop the rod,"	23 Q. Okay. If you look at your statement -- or
24 whatever he said. He just kept saying, "Drop it,"	24 your affidavit --
25 and the Asian guy never dropped it.	25 A. Uh-huh.

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26 to 29

<p style="text-align: right;">Page 26</p> <p>1 Q. -- if you go down towards near the end, it</p> <p>2 says -- I guess let's start at the part where it</p> <p>3 says, "I said, 'You better not hit me.'" Do you see</p> <p>4 that? It's about -- let's see -- eight lines up from</p> <p>5 the bottom.</p> <p>6 A. Yep. "I said, 'You better not hit me' --</p> <p>7 Q. Yeah.</p> <p>8 A. -- 'with that rod.'" </p> <p>9 Q. Yeah. So let me just read that to you.</p> <p>10 "So I said, 'You better not hit me with that</p> <p>11 rob (sic).'" I assume you mean rod?</p> <p>12 A. Rod. Yeah.</p> <p>13 Q. Okay. "He drew back like he was going to</p> <p>14 hit me, and that is when I heard a voice behind me</p> <p>15 saying to, 'Put it down, put it down.' It was the</p> <p>16 police. The man turned and walked away approaching</p> <p>17 one of the black men with the rod still up like he</p> <p>18 was going to hit him. The officer said several times</p> <p>19 to, 'Drop it.'</p> <p>20 I believe, but not sure, the man turned</p> <p>21 towards the officer with the rod right up like he was</p> <p>22 going to hit him and the officer Tased him."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 28</p> <p>1 service. Let me see here.</p> <p>2 You signed this on April 18, 2017.</p> <p>3 A. Yes.</p> <p>4 Q. And so that was about two months ago.</p> <p>5 A. I guess.</p> <p>6 Q. Okay. And so two months ago you were having</p> <p>7 trouble remembering what happened?</p> <p>8 A. Yeah. I'm not 100 sure -- percent sure on</p> <p>9 how everything went down, and the exact order. But,</p> <p>10 yes, that right there, I believe, is a misprint -- or</p> <p>11 I misspoke as far as him with the rod towards the</p> <p>12 officer.</p> <p>13 Q. Okay. I want to back up a little bit, kind</p> <p>14 of more towards the beginning of the altercation.</p> <p>15 You said that -- you said here today that</p> <p>16 two men came out when the lady called them; is that</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you see in your affidavit that you</p> <p>20 said -- the third line down, it says, "The owner then</p> <p>21 called about two to three men" --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- "from the back office"?</p> <p>24 A. Uh-huh.</p> <p>25 Q. So is it two men or is it two to three men?</p>
<p style="text-align: right;">Page 27</p> <p>1 A. I do.</p> <p>2 Q. So isn't that -- that's different --</p> <p>3 A. That --</p> <p>4 Q. -- than what you just said today.</p> <p>5 A. It is.</p> <p>6 Q. Is that correct?</p> <p>7 A. Yes, it is.</p> <p>8 Q. Okay. So which one is true?</p> <p>9 A. I believe he turned towards -- he turned</p> <p>10 away from the officer and was going towards the</p> <p>11 people on the street -- or, the black people that</p> <p>12 were sitting on the curb. So, no, he was not</p> <p>13 pointing at the officer, he was not swinging at the</p> <p>14 officer.</p> <p>15 Q. Okay. Why did you say that was swinging at</p> <p>16 the officer if he wasn't swinging at the officer?</p> <p>17 A. At that time, everything's going through my</p> <p>18 mind, I'm trying to remember everything that was</p> <p>19 going on. So that was definitely a mistake on my</p> <p>20 part.</p> <p>21 Q. Okay. And if you look, you signed this --</p> <p>22 if you look on the next page, you signed this on</p> <p>23 April 27, 2017.</p> <p>24 A. Oh, at my statement or the notary?</p> <p>25 Q. Oh, I'm sorry. That's the affidavit of</p>	<p style="text-align: right;">Page 29</p> <p>1 A. It's two men.</p> <p>2 Q. Okay.</p> <p>3 A. I believe it was only two men that came from</p> <p>4 the back.</p> <p>5 Q. Okay. And one of those men was not -- and</p> <p>6 what did those -- what did the two men look like who</p> <p>7 came from the back?</p> <p>8 A. One was an older Asian guy; the other, he</p> <p>9 was an Asian guy as well. I'm not sure of his age</p> <p>10 range or what they exactly looked like, I just recall</p> <p>11 them running -- coming from the back.</p> <p>12 Q. Okay. And the guy that got Tasered, did he</p> <p>13 come from the back --</p> <p>14 A. Yes.</p> <p>15 Q. -- at that time?</p> <p>16 A. Yes. When she called -- she said something</p> <p>17 in the back, I believe she said it in their language,</p> <p>18 and the two guys came from the back.</p> <p>19 Q. Okay. So you heard her say something that</p> <p>20 wasn't English?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. And one of the two people that came</p> <p>23 out was -- your testimony is that that was the guy</p> <p>24 that got Tasered?</p> <p>25 A. Yes.</p>

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30 to 33

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<p>1 Q. Are you positive it was not the owner, the</p> <p>2 male owner of the shop?</p> <p>3 A. I don't know who the owner is. I don't -- I</p> <p>4 mean, I know it was her and two guys.</p> <p>5 Q. Okay. And then throughout the fight -- or,</p> <p>6 the altercation, did -- how many Asian males were</p> <p>7 there?</p> <p>8 A. I want to say there was only two Asian males</p> <p>9 and the one Asian lady.</p> <p>10 Q. Okay. Are you positive of that or are you</p> <p>11 not sure?</p> <p>12 A. I know for a fact there was one woman, two</p> <p>13 men, Asian, in the laundry mat.</p> <p>14 Q. In the laundry mat.</p> <p>15 A. Yeah.</p> <p>16 Q. How about outside?</p> <p>17 A. Outside, too much commotion.</p> <p>18 Q. So there --</p> <p>19 A. Yeah, there was people everywhere. People</p> <p>20 came out of the stores and from the transit center,</p> <p>21 so...</p> <p>22 Q. Okay. And so did anybody else -- did you</p> <p>23 see anybody else get involved, other than the Asian</p> <p>24 males and the three African American individuals?</p> <p>25 A. No.</p>	<p>1 name to the police?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Okay. And do you know if your daughter gave</p> <p>4 her name to the police?</p> <p>5 A. I'm not sure.</p> <p>6 Q. Did you ever see a bat, a metal baseball</p> <p>7 bat, involved?</p> <p>8 A. Oh, gosh, a bat -- a bat -- there were a few</p> <p>9 weapons involved. There's a metal rod, a belt --</p> <p>10 THE COURT REPORTER: I'm sorry, ma'am.</p> <p>11 Could you please take your hands down?</p> <p>12 THE WITNESS: I'm sorry.</p> <p>13 THE COURT REPORTER: Thank you.</p> <p>14 THE WITNESS: I know there was a metal rod,</p> <p>15 a belt, and I want to say there was a bat</p> <p>16 involved, but I'm 100 percent sure about that. I</p> <p>17 know there were different weapons involved.</p> <p>18 BY MR. RISSMAN:</p> <p>19 Q. And so going back to the Asian males that</p> <p>20 were involved, I'll represent to you that the owner</p> <p>21 of the laundry mat testified already in this case</p> <p>22 that he was involved --</p> <p>23 A. Okay.</p> <p>24 Q. -- and his son testified that he was</p> <p>25 involved --</p>
Page 31	Page 33
<p>1 Q. Did --</p> <p>2 A. That was it.</p> <p>3 Q. There is a Quick Shop next door, isn't</p> <p>4 there?</p> <p>5 A. Yeah.</p> <p>6 Q. Did you see anybody from the Quick Shop get</p> <p>7 involved?</p> <p>8 A. Not that I recall. I know they were</p> <p>9 outside, but were they involved physically? I'm not</p> <p>10 sure. I believe the store guy said he was calling</p> <p>11 the police.</p> <p>12 Q. Did you ever call the police?</p> <p>13 A. I believe I called the police and my</p> <p>14 daughter called the police, or it was either/or, one</p> <p>15 of us two, because I may have told her, "Get in the</p> <p>16 car, call 911." I may have been on the phone with</p> <p>17 911 and called them. I'm not exactly sure.</p> <p>18 Q. So it was either you or your daughter who</p> <p>19 called the police?</p> <p>20 A. It was either me or my daughter, or me and</p> <p>21 my daughter.</p> <p>22 Q. Okay. So at least one of you, maybe both of</p> <p>23 you?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Do you recall whether you gave your</p>	<p>1 A. Okay.</p> <p>2 Q. -- and the mom testified that she was</p> <p>3 involved --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- and, then, of course, there's the man who</p> <p>6 passed away.</p> <p>7 A. Okay.</p> <p>8 Q. Okay. Do you understand that?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. So that would make -- that would make</p> <p>11 one woman and three men --</p> <p>12 A. Okay.</p> <p>13 Q. -- is that right?</p> <p>14 A. Yeah.</p> <p>15 Q. Does that make you -- do you have any reason</p> <p>16 to doubt that there were three Asian males there?</p> <p>17 A. No, I don't.</p> <p>18 Q. Okay.</p> <p>19 A. I believe that's why I put two or three --</p> <p>20 Q. Two or three. Okay.</p> <p>21 A. -- so...</p> <p>22 Q. And earlier you mentioned one guy had his</p> <p>23 arms around one of the African Americans and the</p> <p>24 other guy was -- did you say he was hitting him?</p> <p>25 A. Yes.</p>

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34 to 37

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<p>1 Q. Okay. And can you say for sure which two</p> <p>2 Asian males those -- were involved in that specific</p> <p>3 incident?</p> <p>4 A. The one -- I don't know which one was</p> <p>5 holding him, but the one that was hitting him is the</p> <p>6 one that passed away.</p> <p>7 Q. Okay.</p> <p>8 MR. IVERSON: When you say, "holding him,"</p> <p>9 you -- kind of like a bear hug? Is that what</p> <p>10 you --</p> <p>11 THE WITNESS: A bear hug. He had him from</p> <p>12 the back. So, you know, his front was on the</p> <p>13 black guy's back. He was holding him like this</p> <p>14 (indicating), arms down -- the black guy had his</p> <p>15 arms down by his side and the Asian guy was</p> <p>16 holding him like this (indicating).</p> <p>17 MR. IVERSON: And, again, "like this" you</p> <p>18 mean in a -- like a bear hug?</p> <p>19 THE WITNESS: In a bear hug, yes.</p> <p>20 MR. IVERSON: The court reporter can't take</p> <p>21 down descriptions.</p> <p>22 THE WITNESS: Yeah. Uh-huh.</p> <p>23 BY MR. RISSMAN:</p> <p>24 Q. But you don't ever recall seeing the male</p> <p>25 owner involved at all, do you?</p>	<p>1 to go get the laundry?</p> <p>2 A. Yes.</p> <p>3 Q. And you said you moved to the back of the</p> <p>4 store?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And at that point in time, did</p> <p>7 you not see everything that was happening with the</p> <p>8 fight?</p> <p>9 A. The last part of the fight is when -- that I</p> <p>10 saw inside of the laundry mat is when the guys came</p> <p>11 from the back, they -- one of them, maybe two of</p> <p>12 them, pulled the last black guy back in, he was</p> <p>13 semi-out the door. He was almost out the door --</p> <p>14 Q. Uh-huh.</p> <p>15 A. -- and they pulled him back in, and they</p> <p>16 pushed him down on the chairs right there. I ran, I</p> <p>17 grabbed my grandson, ran to the back, told my</p> <p>18 daughter, "Get the stuff."</p> <p>19 So -- and from that point, when I turned</p> <p>20 around, I'm not sure how long after, but it all ended</p> <p>21 up outside.</p> <p>22 Q. Okay.</p> <p>23 A. So I just saw the first ten seconds of a</p> <p>24 tussle right there at the door on those chairs when I</p> <p>25 grabbed my grandson.</p>
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<p>1 A. I don't know which one the male owner is. I</p> <p>2 don't know who is who. I just know the one that</p> <p>3 passed away, that got Tased, is the one that was</p> <p>4 hitting the black guy with the metal rod, the same</p> <p>5 gentleman that came over and held the rod up to me</p> <p>6 like he was going to hit me because he thought, and I</p> <p>7 thought, I was recording it.</p> <p>8 Q. Uh-huh.</p> <p>9 A. And he came to me and he's, like, Stop</p> <p>10 "recording me, put the fucking phone down," or</p> <p>11 something like that. And I just simply said, "You</p> <p>12 better not hit me with that." And that's when I</p> <p>13 heard the police in the back -- in the back of me.</p> <p>14 Q. Do you remember another older Asian male</p> <p>15 involved at all?</p> <p>16 A. I can't say that I do.</p> <p>17 Q. Okay. And I believe -- kind of going</p> <p>18 backwards again -- we're kind of jumping around here</p> <p>19 and I apologize for that --</p> <p>20 A. Okay.</p> <p>21 Q. -- going back to when you were still inside</p> <p>22 the laundry mat and you said the fighting began and</p> <p>23 you grabbed your grandson, right?</p> <p>24 A. Yes.</p> <p>25 Q. And you went to go -- you told your daughter</p>	<p>1 Q. Uh-huh.</p> <p>2 And so when you looked back, they were -- it</p> <p>3 was already outside?</p> <p>4 A. They were outside.</p> <p>5 Q. Okay. And then you walked outside after</p> <p>6 that?</p> <p>7 A. No, no. I got --</p> <p>8 Q. You stayed inside the laundry mat?</p> <p>9 A. I got my laundry and loaded it in my truck</p> <p>10 really quick. By this time, they were in the parking</p> <p>11 lot to the left of the laundry mat, kind of right in</p> <p>12 front of the Quick Stop (sic) store.</p> <p>13 Q. So --</p> <p>14 A. But they were at the end of the parking lot.</p> <p>15 Q. Okay. So when you say "to the left," you</p> <p>16 mean towards the Quick Shop?</p> <p>17 A. Towards the Quick Shop, yes.</p> <p>18 Q. And is there a Pizza Hut down there or</p> <p>19 something?</p> <p>20 A. Yes, yes.</p> <p>21 Q. Okay. Did it eventually make its way back</p> <p>22 to -- in front of the coin laundry?</p> <p>23 A. Not until the officer came.</p> <p>24 Q. Not until the officer came?</p> <p>25 A. Yes.</p>

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38 to 41

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<p>1 Q. Okay. How long, would you say,</p> <p>2 approximately, the altercation lasted between when</p> <p>3 you saw it go outside and when the officer came?</p> <p>4 A. Gosh, it seemed like it happened quick.</p> <p>5 But, then again, it seemed like it took a long time</p> <p>6 for the police to get there.</p> <p>7 Q. Uh-huh.</p> <p>8 A. I'm going to say approximately five to</p> <p>9 seven minutes of a fight outside.</p> <p>10 Q. And did you see what was happening that</p> <p>11 entire time in terms of the fight?</p> <p>12 A. No, not the whole time they were outside,</p> <p>13 because once I moved my grandson, I grabbed my</p> <p>14 laundry, we hurried up and --</p> <p>15 Q. Uh-huh.</p> <p>16 A. -- bagged it up, stuck it in my truck, put</p> <p>17 my grandson in my truck, I told my daughter to get in</p> <p>18 the truck. Then -- well, I guess, I was paying</p> <p>19 attention along the way just to make sure the drama</p> <p>20 didn't come over by where we were.</p> <p>21 Q. Uh-huh.</p> <p>22 A. So the fight -- I saw the majority of it --</p> <p>23 Q. Uh-huh.</p> <p>24 A. -- from the time I got my clothes out the</p> <p>25 laundry until I got to my truck and called myself</p>	<p>1 objects --</p> <p>2 Q. Okay.</p> <p>3 A. -- the belt, the rod.</p> <p>4 Q. So he hit him -- and you said that's the</p> <p>5 guy, who was eventually Tasered --</p> <p>6 A. Yes.</p> <p>7 Q. -- he hit him with a rod?</p> <p>8 A. Yes.</p> <p>9 Q. In the face?</p> <p>10 A. He was swinging. He was just hitting him.</p> <p>11 Q. Was he making contact?</p> <p>12 A. Yes. He was definitely making contact.</p> <p>13 Q. So he hit him -- what kind of rod was it?</p> <p>14 A. It was a long, skinny rod. I want to say it</p> <p>15 was a metal rod, it looked metal.</p> <p>16 Q. Uh-huh.</p> <p>17 A. From when he came up to me, it looked like</p> <p>18 it was a metal rod. You know how a rod has little</p> <p>19 swirly things going up it?</p> <p>20 Q. Okay.</p> <p>21 A. You get what I'm saying?</p> <p>22 Q. Yeah, I think so.</p> <p>23 A. I don't know if you understand. But, to me,</p> <p>24 it looked like a metal rod.</p> <p>25 Q. Okay. So he hit him repeatedly in the head</p>
Page 39	Page 41
<p>1 recording.</p> <p>2 Q. Okay. But it's possible you didn't see --</p> <p>3 there's parts of it you didn't see?</p> <p>4 A. Yes. There's parts I did not see.</p> <p>5 Q. Okay. And about in the middle of your</p> <p>6 affidavit, you -- let's see, it's one, two, three --</p> <p>7 eight lines down -- you say, "The black people were</p> <p>8 not fighting them back." Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. So if you didn't see all of it, is it</p> <p>11 possible that the black people you reference here</p> <p>12 were fighting back at some point?</p> <p>13 A. I wouldn't say so because one of the black</p> <p>14 guys was never -- he didn't stick around. He was</p> <p>15 standing on the outside of the gate. The lady, she</p> <p>16 stood there while the guy was getting beat.</p> <p>17 I don't think -- I think the tussle went</p> <p>18 along in the laundry room; and when they got outside,</p> <p>19 they were still holding him.</p> <p>20 Q. Uh-huh.</p> <p>21 A. You know, they were holding him. They</p> <p>22 grabbed him, pulled him back in the laundry mat, they</p> <p>23 tussled. They went outside, I turned my head, get my</p> <p>24 stuff. When I came back outside, he had him in a</p> <p>25 bear hug and the guy was hitting him with different</p>	<p>1 with a metal rod?</p> <p>2 A. He may have been hitting him on his</p> <p>3 shoulder. He was swinging, hitting him on his arms.</p> <p>4 I don't know. But he was swinging the metal rod at</p> <p>5 the guy. The look, from me, it looks like he was</p> <p>6 just hitting him in his head.</p> <p>7 Q. Uh-huh.</p> <p>8 A. Like he was just beating him in the head</p> <p>9 with the rod. And that's why I was, like, "Why are</p> <p>10 you guys hitting him? He's not fighting back." And</p> <p>11 the guy was yelling, "I'm not fighting back, why are</p> <p>12 you hitting me? I'm not going anywhere. Call the</p> <p>13 police. I'll stay here till they come."</p> <p>14 But they -- the guy continually beat on him</p> <p>15 while the other guy held him.</p> <p>16 Q. Are you aware that the man who I believe</p> <p>17 you're -- I believe the man you're describing is</p> <p>18 Randal Jackson, he was involved in the altercation.</p> <p>19 Did you know him at all?</p> <p>20 A. No.</p> <p>21 Q. Okay. Did you know that he was charged with</p> <p>22 assault?</p> <p>23 A. No.</p> <p>24 Q. Okay. Did you know that he was the only one</p> <p>25 charged with the assault?</p>

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42 to 45

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<p>1 A. No. And he shouldn't have been.</p> <p>2 Q. Okay. Do you know that he did not go to the</p> <p>3 hospital?</p> <p>4 A. No. I wasn't aware of anyone going to the</p> <p>5 hospital except for the gentleman that got Tased.</p> <p>6 Q. Uh-huh.</p> <p>7 Wouldn't you expect someone who got hit in</p> <p>8 the head multiple times with a metal rod --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- to need some medical attention?</p> <p>11 A. Uh-huh. Definitely.</p> <p>12 Q. But does it surprise you that this guy</p> <p>13 didn't have to go to the hospital --</p> <p>14 A. Yeah.</p> <p>15 Q. -- after getting hit many times --</p> <p>16 A. Yes.</p> <p>17 Q. -- with a metal rod?</p> <p>18 A. Yes. But I know for a fact he was being</p> <p>19 beat than by the guy. I saw with my own eyes, so...</p> <p>20 Q. Are you sure that he wasn't being beaten by</p> <p>21 the younger Asian male?</p> <p>22 A. No. Same guy that approached me with the</p> <p>23 rod is the same guy that got Tased, which is the same</p> <p>24 guy that was hitting him with the rod while the other</p> <p>25 Asian guy was holding him in a bear hug.</p>	<p>1 Q. Uh-huh.</p> <p>2 A. -- but I noticed them holding and beating</p> <p>3 the guy. So that's when I pulled out my phone to</p> <p>4 record; and did not record not even -- I'm going to</p> <p>5 say maybe 15 seconds at most -- did the gentleman</p> <p>6 turn around and come at me with the rod.</p> <p>7 Q. Okay. And in your affidavit, you say that</p> <p>8 he -- you put in quotes, "Put the damn phone down,</p> <p>9 stop recording me."</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Is that a word-for-word quote or is</p> <p>12 that -- you're sort of estimating?</p> <p>13 A. Estimate.</p> <p>14 Q. Did he say it in -- was it kind of in broken</p> <p>15 English?</p> <p>16 A. You know, I don't recall. It at all</p> <p>17 happened so fast. But I know it was in English</p> <p>18 because I understood what he said.</p> <p>19 Q. And you mentioned that the -- one of the</p> <p>20 other African American males, he had -- did he run</p> <p>21 away?</p> <p>22 A. No, he didn't run away. He just stood back.</p> <p>23 Q. Okay. And what did he look like?</p> <p>24 A. Couldn't tell you. I don't know.</p> <p>25 Q. Okay. What did the guy, the black guy who</p>
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<p>1 Q. Okay.</p> <p>2 A. I know that for a fact.</p> <p>3 Q. Okay. All right. And you are positive that</p> <p>4 the black male, who you say was being held, did not</p> <p>5 punch either of the Asian males?</p> <p>6 A. No, I'm not positive.</p> <p>7 Q. Okay.</p> <p>8 A. From what I saw, he did not.</p> <p>9 Q. From what you saw he did not?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. So was your daughter in the backseat</p> <p>12 with your grandson?</p> <p>13 A. No, she was in the front seat.</p> <p>14 Q. She was in the front seat.</p> <p>15 Q. Okay. Was the grandson in a car seat or</p> <p>16 something?</p> <p>17 A. My grandson was in the backseat in his car</p> <p>18 seat.</p> <p>19 Q. Okay. Were you concerned for their safety?</p> <p>20 A. Very much so. That's why I told them to get</p> <p>21 in the car.</p> <p>22 Q. Okay. And why didn't you drive away?</p> <p>23 A. The police were blocking me in. As I was --</p> <p>24 when I started to record, I was going to get in my</p> <p>25 truck and roll and just drive away --</p>	<p>1 you say was getting beaten up, what did he look like?</p> <p>2 A. I'm not sure. Dark skinned, I'm going to</p> <p>3 say approximately, maybe, 5'8, 5'9.</p> <p>4 Q. Do you remember what he was wearing?</p> <p>5 A. No.</p> <p>6 Q. And so you said that there was a belt and</p> <p>7 then you said at some point there was a rod --</p> <p>8 A. Yes.</p> <p>9 Q. -- is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So what was happening in -- so how</p> <p>12 did you -- did you see what happened in between there</p> <p>13 when there was a belt and a rod?</p> <p>14 A. No, I did not.</p> <p>15 Q. Okay. So there was a period of time there</p> <p>16 that you weren't --</p> <p>17 A. Yes.</p> <p>18 Q. -- seeing what was happening?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. Did the African American man who you</p> <p>21 said -- you say was getting beaten up, did he get</p> <p>22 knocked unconscious?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Do you recall if there was a chain involved?</p> <p>25 A. It sounds familiar, but I can't be</p>

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46 to 49

<p style="text-align: right;">Page 46</p> <p>1 100 percent sure.</p> <p>2 Q. Okay. Direct you to your Exhibit 1 there,</p> <p>3 your affidavit, about the sixth line down.</p> <p>4 A. Okay.</p> <p>5 Q. You said, "They ended up outside where the</p> <p>6 man from the back office began beating the black</p> <p>7 people with rods, stick, and I believe there was some</p> <p>8 kind of chain involved as well."</p> <p>9 A. Uh-huh.</p> <p>10 Q. You see that?</p> <p>11 A. Yes.</p> <p>12 Q. So that last part about the chain, you're</p> <p>13 just not sure about that?</p> <p>14 A. I'm not 100 percent sure about that.</p> <p>15 Q. Okay.</p> <p>16 A. But I believe the police did find a chain</p> <p>17 outside.</p> <p>18 Q. Why did you put it in your affidavit if you</p> <p>19 weren't sure about it?</p> <p>20 A. Because I'm trying to remember everything</p> <p>21 that happened back then. It's been so long.</p> <p>22 Q. Uh-huh.</p> <p>23 A. You know, I'm putting in what I believe</p> <p>24 happened.</p> <p>25 Q. Uh-huh.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Yeah. So the lady -- I'll just read it</p> <p>2 there: "The lady approached the men as they were</p> <p>3 holding and hit the man -- holding and hit the man</p> <p>4 she was with and ask them to stop."</p> <p>5 Okay. Did you ever see the lady -- and</p> <p>6 that's the lady you say -- you thought was maybe</p> <p>7 pregnant?</p> <p>8 A. Yeah.</p> <p>9 Q. Did you ever see her get maced?</p> <p>10 A. Gosh, it sounds familiar. It is possible,</p> <p>11 but I can't be 100 percent sure.</p> <p>12 Q. Okay. And you say that the man that was</p> <p>13 Tasered hit her with the rod, too?</p> <p>14 A. Yes.</p> <p>15 Q. Where did he hit her with the rod?</p> <p>16 A. I can't be sure. It was frontward facing.</p> <p>17 She was standing right there and he swung the rod at</p> <p>18 her, hit her, and she stepped back.</p> <p>19 Q. Okay. Do you know if it was in the head?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. How many times did he hit her?</p> <p>22 A. What I saw, just once.</p> <p>23 Q. And you're 100 percent positive that wasn't</p> <p>24 a different Asian male?</p> <p>25 A. No, no, the same man.</p>
<p style="text-align: right;">Page 47</p> <p>1 A. And, yes, everything is not 100 percent in</p> <p>2 this sworn statement that I typed up --</p> <p>3 Q. Okay.</p> <p>4 A. -- but I --</p> <p>5 Q. So you -- I'm sorry. Were you finished?</p> <p>6 A. No. Go ahead.</p> <p>7 Q. Okay. And so is your memory of the events</p> <p>8 of January 16, 2015 better today than it was on</p> <p>9 April 18th, earlier this year?</p> <p>10 A. I'm remembering just itty-bitty bits and</p> <p>11 pieces more than itty-bitty pieces less. So it's --</p> <p>12 I don't know. I cannot be 100 percent sure. It's</p> <p>13 been a few years.</p> <p>14 Q. So your memory is fading of the events, is</p> <p>15 that fair to say?</p> <p>16 A. Kind of, yes. Yes. Some parts I remember</p> <p>17 very well, some parts are vague.</p> <p>18 Q. Okay. You said -- and you said in your --</p> <p>19 that the -- well, I'll just read your affidavit here.</p> <p>20 So if you go eleven lines down, starts with, "The</p> <p>21 lady." Do you see that? "The lady approached the</p> <p>22 men." Do you see that?</p> <p>23 A. Eleven lines?</p> <p>24 Q. Uh-huh. Maybe twelve.</p> <p>25 A. "The lady approached the men."</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Same man. Okay.</p> <p>2 A. You're twisting me up now.</p> <p>3 Q. I'm not. I'm just asking --</p> <p>4 A. The one man was the aggressor -- is the one</p> <p>5 that passed away -- may he rest in peace -- he was</p> <p>6 the aggressor. He was the one with the weapons. He</p> <p>7 was the one hitting everybody that I saw. Point</p> <p>8 blank. That's it.</p> <p>9 The same guy that approached me with the</p> <p>10 rod, he was the aggressor. He was the one hitting</p> <p>11 everybody -- or hitting the -- hitting the guy and</p> <p>12 hit the lady once when she approached him and asked</p> <p>13 him not to hit him.</p> <p>14 Q. Okay. Did she appear to be bleeding?</p> <p>15 A. No, not that I noticed.</p> <p>16 Q. Okay. Does it surprise you you can get hit</p> <p>17 with a rod and not be bleeding?</p> <p>18 A. It's possible, depending on how hard you're</p> <p>19 hit.</p> <p>20 Q. Did it appear that she didn't get hit very</p> <p>21 hard?</p> <p>22 A. I believe she got hit pretty hard because</p> <p>23 she stepped back.</p> <p>24 Q. But you don't recall her getting maced ever;</p> <p>25 is that right?</p>

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50 to 53

Page 50	Page 52
1 A. I'm not sure.	1 A. Yeah.
2 Q. Not sure.	2 Q. -- or did he stand -- hold his ground?
3 Okay. And your car, was it parked --	3 A. He was walking towards me.
4 there's kind of a cement slab that comes out of the	4 Q. Okay. Did you put your hands up to protect
5 coin laundry.	5 yourself?
6 A. Uh-huh.	6 A. Yeah.
7 Q. Do you know what I'm talking about?	7 Q. Can you show me what that looks like?
8 A. Yes.	8 A. And I had my phone in this hand, I was like
9 Q. Was your -- if you're facing the coin	9 this (indicating), and he's walking up to me. Well,
10 laundry, was your car parked just to the left?	10 I had my phone directly in front of my face -- you
11 A. Facing? Yes. I was the first lot next to	11 know, about face length; and I thought I was
12 that concrete in front of the --	12 recording.
13 Q. First parking stall?	13 He's walking towards me and he's, like, "Put
14 A. Yeah.	14 the damn phone down," or "Stop recording me." And
15 MR. IVERSON: Counsel, may I interrupt here	15 I'm, like, "You better not hit me with that rod
16 and show her a picture?	16 (indicating)."
17 MR. RISSMAN: I was going to maybe do that,	17 Q. So you were trying to record him and block
18 so I got it. Thanks.	18 anything he might do to you at the same time; is that
19 BY MR. RISSMAN:	19 right?
20 Q. Okay. When you pulled out your cell phone	20 A. Basically, yes.
21 to record, you say the man approached you, where were	21 Q. Okay. And let the record reflect that you
22 you positioned at that point?	22 had your hand over your face.
23 A. Right there on that concrete, right in front	23 A. Yes.
24 of the doors, right -- a couple of steps towards the	24 Q. Is that right?
25 front of my truck, but right there by my driver's	25 A. Yes.
Page 51	Page 53
1 door.	1 Q. I don't want to put words in your mouth.
2 Q. By the driver's door?	2 And, prior to that, had you been -- had you
3 A. Yeah.	3 been yelling at anybody?
4 Q. And the car was facing out, right?	4 A. I'm sorry?
5 A. Yes. Pull straight and go.	5 Q. Had you been, like, yelling at anybody to,
6 Q. So you can pull straight out --	6 "Stop," or --
7 A. Yeah.	7 A. No.
8 Q. -- and you don't have to back up, right?	8 Q. -- get involved in any way?
9 A. Correct.	9 A. No.
10 Q. Got it. So the driver's side door was next	10 Q. Okay.
11 to the concrete slab?	11 A. Well, I did say, "Why are you hitting him?
12 A. Yes.	12 He's not fighting back."
13 Q. And did you -- and when he did that, did you	13 Q. Did you --
14 turn and run?	14 A. I don't believe anybody heard me.
15 A. No.	15 Q. Did you say it calmly, as you just did now,
16 Q. Weren't you afraid he was going to hit you	16 or was it more of a yell?
17 with the rod?	17 A. I think it was a little more louder, a
18 A. He was already close to me by -- at that	18 little -- yeah, a little louder. It wasn't a
19 point. He was right here and he's like -- I'm, like,	19 regular, calm voice. It was more of a shocked, "Why
20 backing up, "You better not hit me with that rod."	20 are you guys still hitting him? He's not fighting
21 I'm backing up towards the front end of my truck. So	21 you back." You know, "Why are you hitting him?" So
22 we literally ended up right in front of my truck; and	22 more of a raised tone.
23 that's the when the police came up behind me.	23 Q. Uh-huh.
24 Q. When you backed up, did he move in towards	24 And so you were standing -- so at that
25 you --	25 point, you backed, sort of, into your car?

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54 to 57

<p style="text-align: right;">Page 54</p> <p>1 A. Yeah. Right there. And -- well, I wouldn't</p> <p>2 say I backed into my car. We were standing right</p> <p>3 there, and as I'm recording -- maybe I'm recording</p> <p>4 and moving back at the same time.</p> <p>5 But somehow or another we ended up right at</p> <p>6 the front end of my car -- well, I ended up right on</p> <p>7 the -- the front end of my car. I believe he was on</p> <p>8 the concrete slab in front of the doors, but close to</p> <p>9 my car.</p> <p>10 And I was able to move back; and the police</p> <p>11 was right there. So we were right -- kind of right</p> <p>12 in front of my truck.</p> <p>13 Q. And when you heard the officer -- when you</p> <p>14 heard the officer, did you -- did you stay in the</p> <p>15 same place?</p> <p>16 A. Huh-uh.</p> <p>17 Q. Where did you go then?</p> <p>18 A. No. I quickly moved back towards the</p> <p>19 officer.</p> <p>20 Q. Okay. And where was that?</p> <p>21 A. Maybe two or three feet behind me, if that.</p> <p>22 I'm not good with feet.</p> <p>23 Q. Okay.</p> <p>24 A. But he was very close that maybe I probably</p> <p>25 had to take two or three big steps back. And then I</p>	<p style="text-align: right;">Page 56</p> <p>1 was Tasered, you -- when he approached you.</p> <p>2 A. I'd say approximately right -- right in here</p> <p>3 (indicating).</p> <p>4 Q. Can I see that?</p> <p>5 A. (Handing.)</p> <p>6 Q. Okay. And, then, can you mark with a "2"</p> <p>7 where you moved to after the police arrived?</p> <p>8 A. Approximately here -- right here, maybe</p> <p>9 (indicating).</p> <p>10 Q. Okay.</p> <p>11 A. Maybe a little closer in, because my truck</p> <p>12 was there, and we were right in front of my truck</p> <p>13 when the officer approached (indicating).</p> <p>14 Q. Uh-huh.</p> <p>15 And where you marked number "2," is that</p> <p>16 where you were standing when the man was Tasered and</p> <p>17 fell?</p> <p>18 A. I don't know. Actually, I believe so, yeah.</p> <p>19 I was in that same spot maybe walking towards that</p> <p>20 way a little bit or getting out of the way of the</p> <p>21 officer. But I'm going to say I was in that same</p> <p>22 vicinity right there (indicating).</p> <p>23 Q. Okay. When you say walking "that way,"</p> <p>24 which way were you walking?</p> <p>25 A. I believe I was getting ready to walk back</p>
<p style="text-align: right;">Page 55</p> <p>1 was on the side of the officer at that time, or maybe</p> <p>2 just a little bit behind his arm.</p> <p>3 MR. RISSMAN: Let me sort of put a visual to</p> <p>4 it here.</p> <p>5 (Plaintiff's Exhibit No. 2 was marked for</p> <p>6 identification.)</p> <p>7 BY MR. RISSMAN:</p> <p>8 Q. Ms. Miller, you have been handed what's been</p> <p>9 marked as Exhibit 2. Do you recognize this photo?</p> <p>10 A. Yes.</p> <p>11 Q. Does this appear to be the scene of the</p> <p>12 incident at the coin laundry?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And I'll represent to you this is a</p> <p>15 Google Earth image, and there's a -- you see there's</p> <p>16 a slight bit of distortion on the word, "Coin</p> <p>17 Laundry --"</p> <p>18 A. Yes.</p> <p>19 Q. -- but I represent I did my best to print it</p> <p>20 off the Internet.</p> <p>21 A. Okay.</p> <p>22 Q. Okay. So why don't you -- I have a pen</p> <p>23 here -- why don't you -- why don't you tell me where</p> <p>24 you were standing before he -- why don't you mark</p> <p>25 with a "1" where you were standing before the man who</p>	<p style="text-align: right;">Page 57</p> <p>1 that way and get in my car. But when the Tasing</p> <p>2 (sic) went, I was right -- I was probably right in</p> <p>3 between "1" and "2."</p> <p>4 Q. Okay.</p> <p>5 A. Or it is quite possible that I just stood</p> <p>6 right at number "2."</p> <p>7 Q. I'm going to show you a dash cam video --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- from Officer Turner --</p> <p>10 A. Okay.</p> <p>11 Q. -- who was the second officer to arrive, and</p> <p>12 ask you a few questions.</p> <p>13 THE COURT REPORTER: Counsel, did you want</p> <p>14 that on the record or off the record?</p> <p>15 MR. RISSMAN: On the record. And I'll say</p> <p>16 what -- what time stamp I'm starting and stopping</p> <p>17 at.</p> <p>18 THE COURT REPORTER: Thank you.</p> <p>19 MR. RISSMAN: I'll do my best to do that.</p> <p>20 Okay. Is it okay if I come over and show</p> <p>21 this to you?</p> <p>22 THE WITNESS: Yes, yes.</p> <p>23 MR. RISSMAN: Well, let me just ask you some</p> <p>24 questions first. I'm sorry to ask you questions</p> <p>25 while I'm over here.</p>

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58 to 61

Page 58	Page 60
1 BY MR. RISSMAN:	1 Q. Uh-huh.
2 Q. When the officer Tased him, do you think he	2 I'll play it for you again. If you want to
3 was close enough to hit you with the crowbar?	3 focus on this person right here (indicating) --
4 A. Yeah.	4 A. Okay.
5 Q. Okay. That was a yes?	5 Q. -- and take a look and see if that might be
6 A. Yes.	6 you.
7 MR. RISSMAN: All right. So I'm starting	7 (By request of counsel, video played but not transcribed
8 the Turner video at 21:16:27 -- you can see	8 as there was no audio.)
9 there's a time stamp there -- and I'll play it	9 THE WITNESS: Stop.
10 for you a couple times.	10 BY MR. RISSMAN:
11 THE WITNESS: Okay.	11 Q. Uh-huh.
12 (By request of counsel, video played but not transcribed	12 A. You can go. I can't see. You do it again,
13 as there was no audio.)	13 please.
14 MR. RISSMAN: Stopping at 9:16:33.	14 Q. Sure. I'll do it in slow motion, how 'bout
15 BY MR. RISSMAN:	15 that?
16 Q. Did you see the man who was Tasered fall on	16 (By request of counsel, video played but not transcribed
17 the ground?	17 as there was no audio.)
18 A. Yes.	18 THE WITNESS: I believe that is me.
19 Q. Okay. In this frame right here -- do you	19 BY MR. RISSMAN:
20 think you're in this frame right here?	20 Q. Were you wearing --
21 A. No.	21 A. I can't --
22 Q. Okay.	22 Q. -- a white sweatshirt that night?
23 MR. IVERSON: This frame right here is	23 A. I don't know.
24 21:16:33?	24 Q. Okay. Do you see anybody else other than --
25 MR. RISSMAN: Yes. Thank you.	25 and so you don't believe you're any of these people
Page 59	Page 61
1 (By request of counsel, video played but not transcribed	1 that are on the cement at this point?
2 as there was no audio.)	2 A. No, I don't believe so.
3 BY MR. RISSMAN:	3 Q. Okay.
4 Q. And so I'm going to -- I'm going to stop at	4 A. I believe I'm one on the side there.
5 21:16:31. And you can -- do you see that -- and at	5 Q. Okay. So that would be -- I believe that's
6 this point in time you can see Mr. Khottavongsa is	6 to the -- towards the Metro PCS --
7 starting to fall?	7 A. Yes.
8 A. Uh-huh.	8 Q. -- on the passenger's side --
9 Q. Okay. Do you see a person to the left of	9 A. Uh-huh.
10 the car?	10 Q. -- door?
11 A. Yes.	11 A. Uh-huh.
12 Q. Do you believe that's you?	12 Q. Okay. And you can see where Mr. -- the man
13 A. I believe so. I'm not exactly sure, but I	13 who was Tasered, his name is Mr. Khottavongsa --
14 believe so.	14 A. Uh-huh.
15 Q. Okay. I'll play it forward for you in slow	15 Q. -- do you see where he's standing?
16 motion.	16 A. Yeah.
17 (By request of counsel, video played but not transcribed	17 Q. Do you believe that he could have hit you
18 as there was no audio.)	18 from that position?
19 BY MR. RISSMAN:	19 A. No, no.
20 Q. But you don't believe you're any of these	20 Q. So earlier when you said you thought he
21 people?	21 could have hit you in the position he was Tasered in,
22 A. No. I'm not inside at the time --	22 that's not true, right?
23 Q. Okay.	23 A. No. When he approached me with the rod
24 A. -- because I actually heard him hit the	24 back, he was close enough to hit me dead in my
25 ground.	25 forehead with that rod.

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62 to 65

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1 Q. Uh-huh.
2 A. The police -- now that I know -- came behind
3 me -- well, I heard the voice behind me saying, "Drop
4 it, drop it." I scoot over there by the police; he
5 ends up getting Tased. So, no, once he got Tased,
6 no -- or, in the midst of being Tased, no; before he
7 was Tased, yes --
8 Q. Okay.
9 A. -- he was that close to me that he could
10 have hit me.
11 Q. I understand what you're saying.
12 So in the very moment before getting
13 Tasered, he couldn't have hit you --
14 A. No.
15 Q. -- with the rod?
16 A. No. He had walked away.
17 Q. He had walked away?
18 A. Yes.
19 Q. And, ma'am, you can see that I stopped the
20 video at -- and where you just identified yourself at
21 21:16:31.
22 A. Yes.
23 Q. Do you see that?
24 A. Yes.
25 MR. RISSMAN: I'm going to hand you an

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1 Exhibit here.
2 (Plaintiff's Exhibit No. 3 was marked for
3 identification.)
4 BY MR. RISSMAN:
5 Q. Ms. Miller, you've been handed what's been
6 marked as Exhibit 3, and this is a still shot of the
7 video we just watched. You can see on the top
8 there's 21:16:31. Do you see that?
9 A. Uh-huh. Yes.
10 Q. And the image of the person circled in blue,
11 you believe that to be you?
12 A. Yes.
13 Q. And the person circled in red would be
14 Mr. Khottavongsa, the man that was Tasered?
15 A. Yes.
16 Q. Okay. And so in between you and him,
17 there's actually a car in between there, correct?
18 A. I'm sorry?
19 Q. Your vehicle is in between you and him?
20 A. Correct.
21 Q. Okay. And so you would have had to sort of
22 look through the vehicle to see him?
23 A. To be Tased, yes.
24 Q. So -- yeah. To see what -- him being
25 Tased --

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1 A. Yes.
2 Q. -- and the moments before, you would have
3 look through the vehicle.
4 A. Yes.
5 Q. Correct?
6 Did that obstruct your view at all?
7 A. No.
8 Q. You could see perfectly?
9 A. I wouldn't say I could see perfectly. It
10 was dark outside, my back windows on my TrailBlazer
11 were tinted. So I wouldn't say I had a 100 percent
12 sure clear view, but I did see it happen.
13 Q. Okay. And you had to look through the
14 tinted windows; is that right?
15 A. I believe so, yes.
16 Q. Okay. You can put that one aside.
17 And when you walked over there, at some
18 point did you turn your back to the scene?
19 A. Walked over?
20 Q. Well -- I'm sorry. I'll strike the
21 question.
22 So when you walked from the cement slab to
23 that position in Exhibit 3, where you've circled in
24 blue, correct --
25 A. Yes.

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1 Q. -- did you turn your back to the cement slab
2 to walk over there?
3 A. I'm not sure if I backed back or if I turned
4 around and walked. So I'm not sure.
5 Q. Not sure either way?
6 A. I'm not sure.
7 Q. And it's just because you don't remember?
8 A. I don't remember.
9 Q. So what was the -- I'm sorry, you said this
10 already -- but what was the first thing you heard the
11 officer say?
12 A. "Put it down."
13 Q. "Put it down"?
14 A. Yep.
15 Q. And is that a direct quote or was it --
16 could it -- well --
17 A. It could have been "Put it down," or it
18 could have been, "Drop it."
19 Q. Okay.
20 A. And he repeated it several times.
21 Q. So either, "Put it down," or, "Drop it"?
22 A. Correct.
23 MR. RISSMAN: I'm going to play you Officer
24 Salvosa's video; and this is the man who Tasered
25 Mr. Khottavongsa.

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66 to 69

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1 THE WITNESS: Okay.	1 MR. RISSMAN: Okay. And I'm going to start
2 MR. RISSMAN: There isn't really anything to	2 it again at 19:16:28 Salvosa video.
3 see because it doesn't -- it's not directed to	3 (By request of counsel, audio played and transcribed to
4 the scene, but we're just going to listen to the	4 the best of my ability as follows:)
5 audio.	5 "OFFICER SALVOSA: Drop it.
6 THE WITNESS: Okay.	6 MS. MILLER: Tase his ass. There you go."
7 MR. RISSMAN: But I'll point it towards you	7 (End of audio transcription.)
8 so you can at least see the time stamps, I guess.	8 BY MR. RISSMAN:
9 BY MR. RISSMAN:	9 Q. Did you hear someone say, "Tase his ass.
10 Q. And were there -- I mean, was there a lot	10 There you go"?
11 of -- when the officer approached, was there a lot	11 A. That was me.
12 of -- did you hear other commotion and yelling at	12 Q. That was you?
13 that time?	13 A. That was me, yes.
14 A. I'm not sure. It all happened so fast.	14 Q. Okay. And I believe you testified earlier
15 Q. Not sure either way?	15 that you saw him fall and hit his head?
16 A. No. But I'm pretty sure it was commotion	16 A. Yes.
17 because, like I said, there were people out there,	17 Q. Okay. And you believe -- it was obvious to
18 so...	18 you?
19 MR. RISSMAN: Okay. I'm starting the	19 A. It wasn't a -- gosh, it felt like I was just
20 Salvosa video at 21:15:16.	20 right there. I could hear him hit the ground. I may
21 (By request of counsel, audio played and transcribed to	21 have been looking through my truck, saw him get
22 the best of my ability as follows:)	22 Tased, but you can definitely hear him hit the
23 "OFFICER SALVOSA: Get down on the ground.	23 ground.
24 Get down on the ground. Get down on the ground.	24 Q. And after he hit the ground -- and you
25 Get down on the ground. Drop it, drop it, drop	25 thought his head hit the ground, right?
Page 67	Page 69
1 it."	1 A. Uh-huh.
2 (End of audio transcription.)	2 Q. And after you saw him -- his head hit the
3 MR. RISSMAN: Okay. Stopping it at	3 ground, did you appear injured to you?
4 21:16:32.	4 A. Yes.
5 BY MR. RISSMAN:	5 Q. Did he -- did he appear to be in need of a
6 Q. Did you hear the officer -- the officer who	6 doctor after he hit his head?
7 was speaking -- and I'll represent -- and I think we	7 A. Yes.
8 all agree -- is Officer Salvosa. Did you hear him	8 Q. All right. And you don't have any medical
9 say, "Drop it" there.	9 training, right?
10 A. Yes.	10 A. Nursing assistant, but no, basically.
11 Q. Was that the first thing you heard him say?	11 Q. I'm sorry?
12 A. I believe so. It was the main thing I	12 A. Nursing assistant.
13 heard. I know he had the rod pointed at my head, I	13 Q. Oh, okay.
14 don't recall everything, but I know I heard someone	14 A. I did that for ten years in a hospital.
15 coming up behind me saying, "Drop it."	15 Q. Okay. But you're not a trained first
16 Q. So before he says, "Drop it," he says -- did	16 responder or anything?
17 you hear him say, "Get down on the ground, get down	17 A. No.
18 to the ground, get down on the ground?" Just now?	18 Q. After he was Tasered and hit his head, did
19 A. Just now, yes.	19 you ever see him threaten anyone else?
20 Q. Yeah.	20 A. Not that I recall. I recall just maybe
21 A. Yes.	21 seeing him sit up, maybe the police helped him sit
22 Q. But you don't recall him saying that --	22 up, or laid him down after he had already sat up.
23 A. Huh-uh.	23 But you can just tell in his face that he
24 Q. You don't recall hearing that at the time?	24 was dazed and something was wrong. You could look at
25 A. Exactly. Yes. Correct.	25 him and tell he needed medical attention right away.

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70 to 73

Page 70	Page 72
<p>1 Q. Uh-huh.</p> <p>2 And so you saw him sit up?</p> <p>3 A. I'm not sure if I saw him sit up or if he</p> <p>4 was laying down. I saw his eyes, I saw his face --</p> <p>5 no, I did not see him sit up. He was on the ground,</p> <p>6 they Tased him. I believe they handcuffed him on the</p> <p>7 ground. When I saw him sitting up was in the chair</p> <p>8 of the paramedics.</p> <p>9 Q. Okay.</p> <p>10 A. And that's only because they had it lifted</p> <p>11 up for him to sit up, like the -- you know, upward</p> <p>12 motion.</p> <p>13 Q. Uh-huh.</p> <p>14 So you didn't see him -- he didn't appear</p> <p>15 violent to you after he was Tasered, did he?</p> <p>16 A. No.</p> <p>17 Q. And I take it that, from what you've said</p> <p>18 today, that none of the African American individuals</p> <p>19 were ever beating up the man who got Tasered?</p> <p>20 A. Not that I saw. I did not see not one of</p> <p>21 them swing or be aggressive towards them at all, even</p> <p>22 with the tussle of them pulling him -- the one guy</p> <p>23 back in the laundry mat. They did tussle.</p> <p>24 Again, I grabbed my grandson, turned the</p> <p>25 other way, the black guy may have hit him, I don't</p>	<p>1 nationality, but I believe there was three or four</p> <p>2 other ladies in the laundry mat, which looks like</p> <p>3 those are the ones that are standing in the doorway.</p> <p>4 Q. Uh-huh.</p> <p>5 A. I don't know if they came before the</p> <p>6 altercation started or during it, but I do recall</p> <p>7 seeing them.</p> <p>8 Q. Did they appear to be Latino or Hispanic?</p> <p>9 A. I believe so.</p> <p>10 Q. And you had never met them before?</p> <p>11 A. No.</p> <p>12 Q. Okay. Two of those women had also</p> <p>13 testified, just like you did, under oath. One of</p> <p>14 their names is Guadalupe Galarza and the other name</p> <p>15 is Maria Cruz-Martinez.</p> <p>16 A. Uh-huh.</p> <p>17 Q. I assume you didn't know that?</p> <p>18 A. Okay.</p> <p>19 (Plaintiff's Exhibit No. 4 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. RISSMAN:</p> <p>22 Q. All right. You've been handed what's been</p> <p>23 Marked 4, and this is a deposition transcript of</p> <p>24 Guadalupe Galarza, taken on March 21st, 2017. And</p> <p>25 it's condensed, so each page -- there's four pages on</p>
Page 71	Page 73
<p>1 know. I didn't see the black guy assault anyone, I</p> <p>2 didn't see the other black guy assault anyone, and I</p> <p>3 didn't see the woman assault anyone.</p> <p>4 Q. Okay. And did you ever get involved in the</p> <p>5 incident?</p> <p>6 A. No.</p> <p>7 Q. Did you ever physically touch anyone who was</p> <p>8 involved in the incident?</p> <p>9 A. No.</p> <p>10 Q. And did you swing at anybody?</p> <p>11 A. No.</p> <p>12 Q. Did you ever yell at anyone to get away from</p> <p>13 your truck?</p> <p>14 A. No, not that I recall.</p> <p>15 Q. Do you recall some other women that were in</p> <p>16 the laundry mat, who weren't part of the altercation,</p> <p>17 who were also witnesses?</p> <p>18 A. They came in as the fight was -- I want to</p> <p>19 say maybe they came in a couple of seconds before the</p> <p>20 entire fight started off, or maybe they came in right</p> <p>21 after --</p> <p>22 Q. Uh-huh.</p> <p>23 A. -- I don't recall. But I do recall seeing</p> <p>24 maybe three, maybe four other ladies. I want to --</p> <p>25 I'm not even going to try to guess on the</p>	<p>1 each actual page. Do you see that?</p> <p>2 A. Okay. Uh-huh.</p> <p>3 Q. So the way these are numbered, each of those</p> <p>4 has a page number then there's a line number. Do you</p> <p>5 see that?</p> <p>6 A. Okay.</p> <p>7 Q. That's kind of how we read these.</p> <p>8 A. Okay.</p> <p>9 Q. If you go to page 17 -- it's that page,</p> <p>10 yeah, it would be up there -- page 17 --</p> <p>11 A. Okay.</p> <p>12 Q. -- and line 13 of 17. Do you see that?</p> <p>13 A. Line 13. Yes.</p> <p>14 Q. Okay. It says:</p> <p>15 "Question: Did you see anyone else fighting</p> <p>16 right before the police came.</p> <p>17 Answer: The lady, the woman with the red</p> <p>18 truck, she was in the coin laundry. She was --</p> <p>19 already had folded. She was ready to leave? She</p> <p>20 was in her truck, and when they were fighting</p> <p>21 outside, she came out and said, you know, 'Get</p> <p>22 away from my truck.' And, you know, she kept</p> <p>23 saying, 'Call the cops.' And me and Jackie, we</p> <p>24 calling the cops, she wasn't calling the cops.</p> <p>25 And then she noticed that the friend who</p>

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74 to 77

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<p>1 took out the bat, she got out of her truck and</p> <p>2 she started -- she got involved.</p> <p>3 Question: Okay. How did she get involved?</p> <p>4 Answer: She was swinging at one of the Asian</p> <p>5 guys."</p> <p>6 If you turn to next page, page 18.</p> <p>7 A. Uh-huh.</p> <p>8 Q. And she says:</p> <p>9 "I'm not sure if it was the friend or the</p> <p>10 owner, but it was one of the older ones.</p> <p>11 Question: You don't know if it was the owner or</p> <p>12 the friend? Answer: Yeah, I'm not sure.</p> <p>13 Question: But it was one of the two.</p> <p>14 Answer: Yeah, because she hit her. She</p> <p>15 hit -- she hit one of them from the back. I</p> <p>16 don't know if she pushed him, but it was the back</p> <p>17 part, not the front, but the back. And, then,</p> <p>18 when she heard the siren from the cops, she</p> <p>19 went -- she went back next to her truck. I think</p> <p>20 she went inside or stood by the door, but she was</p> <p>21 there."</p> <p>22 Do you see that?</p> <p>23 A. Uh-huh. That is incorrect.</p> <p>24 Q. You believe that to be inaccurate?</p> <p>25 A. I know that's inaccurate. I never pulled</p>	<p>1 to -- if you go to page 33 --</p> <p>2 A. Okay.</p> <p>3 Q. -- line 24.</p> <p>4 A. Yes.</p> <p>5 Q. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. It starts with, "When you mentioned."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. It says, "When you mentioned --"</p> <p>11 "Question: When you mentioned the woman who</p> <p>12 was by the red Ford Explorer was yelling" -- if</p> <p>13 you go to page 34 --</p> <p>14 "Answer: Yes. Question: Did you see her</p> <p>15 get involved in the altercation? Answer: When</p> <p>16 she -- when they were fighting, she was yelling.</p> <p>17 And she went over there to, like, the big brawl</p> <p>18 that they had because it was not in front of the</p> <p>19 door, it was kind of like to the side. But,</p> <p>20 like, in between the laundry mat and the Quick</p> <p>21 Store.</p> <p>22 Question: Okay. Answer: So it was in the</p> <p>23 parking lot. And she was over there hitting</p> <p>24 whoever was fighting, but not attacking the</p> <p>25 teenagers or the African American people that</p>
Page 75	Page 77
<p>1 out a bat, I never swung at anybody, I never got</p> <p>2 involved.</p> <p>3 Q. Are you upset that she has said this about</p> <p>4 you?</p> <p>5 A. That's just her account. I mean, I'm not</p> <p>6 upset, but it's wrong. I never -- I never got</p> <p>7 involved in that.</p> <p>8 Q. Okay.</p> <p>9 A. And I didn't know either party, so why would</p> <p>10 I get involved? I have a daughter and a grandson</p> <p>11 with me --</p> <p>12 Q. Uh-huh.</p> <p>13 A. -- that has nothing to do with me. I tried</p> <p>14 to record for the police, and for this purpose, to</p> <p>15 show that -- who was the aggressor in this situation.</p> <p>16 But I never got involved in anything.</p> <p>17 (Plaintiff's Exhibit No. 5 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. RISSMAN:</p> <p>20 Q. Ms. Miller, you have been handed Exhibit 5.</p> <p>21 A. Uh-huh.</p> <p>22 Q. This is the deposition of Maria</p> <p>23 Cruz-Martinez, also taken on March 21st, 2017 --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- also testimony under oath. And if you go</p>	<p>1 were involved, she was hitting the Asian people.</p> <p>2 Question: Okay. Do you know which one?</p> <p>3 Answer: I don't recall who she was hitting. But</p> <p>4 then she went -- afterwards, when she heard the</p> <p>5 sirens and everyone was leaving, she went and</p> <p>6 stood next to the red truck."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And I take it you don't agree with</p> <p>10 this account?</p> <p>11 A. Not at all. I never hit anyone. I would</p> <p>12 have no reason to hit anyone.</p> <p>13 Q. All right. Are you upset that two different</p> <p>14 people have testified under oath that you did hit</p> <p>15 somebody?</p> <p>16 A. I don't know.</p> <p>17 MR. IVERSON: Object to the form.</p> <p>18 MR. RISSMAN: You can answer.</p> <p>19 MR. IVERSON: It misstates the testimony.</p> <p>20 It doesn't indicate that she was involved at all.</p> <p>21 BY MR. RISSMAN:</p> <p>22 Q. Do you know of anyone else who had a red</p> <p>23 truck?</p> <p>24 A. No.</p> <p>25 Q. But I'll ask the question again, because I</p>

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78 to 81

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<p>1 don't think I caught your answer.</p> <p>2 Does it upset you that two people have</p> <p>3 testified that you had hit somebody?</p> <p>4 MR. IVERSON: Object to the form of the</p> <p>5 question.</p> <p>6 MR. RISSMAN: You can answer.</p> <p>7 THE WITNESS: I wouldn't say it upsets me.</p> <p>8 I'm not mad about it. That's just their account</p> <p>9 and what they thought saw, just like my account</p> <p>10 of what I think I saw. Everybody's entitled to</p> <p>11 their opinion.</p> <p>12 No, I never struck anybody.</p> <p>13 BY MR. RISSMAN:</p> <p>14 Q. Uh-huh.</p> <p>15 A. Again, I would have no reason to. I don't</p> <p>16 know any of them people. And I go to that laundry</p> <p>17 mat twice -- well, I was going to that laundry mat</p> <p>18 twice a month to do laundry.</p> <p>19 Q. Did you ever go back to the laundry mat</p> <p>20 after that?</p> <p>21 A. No.</p> <p>22 Q. Because of this incident?</p> <p>23 A. I guess so, because I didn't want to be</p> <p>24 involved -- no, as a matter of fact, I did go back.</p> <p>25 I have been back since then.</p>	<p>1 calmed down? Answer" -- 19 -- "I think we were</p> <p>2 all giving a statement at the same time. There</p> <p>3 was -- there were other officers there."</p> <p>4 21, "Question: Uh-huh. Answer: The</p> <p>5 officer said she was a witness. But she got</p> <p>6 involved because she was in her truck, and she</p> <p>7 got out because after she saw that they were</p> <p>8 hitting one of the guys, one the black guys,</p> <p>9 that's when she got involved and hit one of the</p> <p>10 owners.</p> <p>11 Question: Okay. But she didn't tell the</p> <p>12 police that she hit somebody? Answer: No,</p> <p>13 because the officer said that she was a witness</p> <p>14 and we said yes. But she also got involved."</p> <p>15 And, then, number six:</p> <p>16 "Question: Yeah. And did she -- did it</p> <p>17 seem like maybe she was trying to avoid being</p> <p>18 arrested to you? Mr. Hiveley: Objection, calls</p> <p>19 for speculation. Witness: I don't know."</p> <p>20 Do you see that?</p> <p>21 A. Uh-huh. Yes.</p> <p>22 Q. And you didn't want to be arrested, did you?</p> <p>23 MR. IVERSON: Well, is there a question?</p> <p>24 MR. RISSMAN: I asked her if she saw that.</p> <p>25 MR. IVERSON: Well, then, I move to strike</p>
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<p>1 Q. And do you recall if the police asked you if</p> <p>2 you got involved in the altercation?</p> <p>3 A. No, I don't recall that.</p> <p>4 Q. Okay. If you go back to -- I think it's</p> <p>5 exhibit -- I'm sorry, I'm not doing a very good</p> <p>6 job here -- Exhibit 4, which is the Galarza</p> <p>7 testimony -- yep, you've got it -- go to page 20 --</p> <p>8 A. Okay.</p> <p>9 Q. -- line eight.</p> <p>10 A. Okay.</p> <p>11 Q. Well, actually, we'll go back to line five.</p> <p>12 A. Okay.</p> <p>13 Q. "Whereupon, an audio recording was played."</p> <p>14 And then that's me, Mr. Rissman.</p> <p>15 "Question: I'm going to stop at 15:38</p> <p>16 there.</p> <p>17 So consistent with what you told us today,</p> <p>18 the woman with the red truck was involved and hit</p> <p>19 the owner? Answer: Uh-huh. Question: And you</p> <p>20 mentioned that she told the cops she wasn't</p> <p>21 involved, and she told the cops that she was a</p> <p>22 witness, and that that was a lie; is that -- is</p> <p>23 that right? Answer: That's correct.</p> <p>24 Question: Okay. When did you -- she was</p> <p>25 giving a statement after -- after things had</p>	<p>1 your reading another witness's testimony without</p> <p>2 any reference to it or question.</p> <p>3 MR. RISSMAN: Okay.</p> <p>4 MR. IVERSON: So you can ask the -- she</p> <p>5 answered your last question.</p> <p>6 MR. RISSMAN: Okay.</p> <p>7 BY MR. RISSMAN:</p> <p>8 Q. Do you dispute this testimony?</p> <p>9 A. Yes --</p> <p>10 MR. IVERSON: Object to the form of the</p> <p>11 question.</p> <p>12 THE WITNESS: Yes, I do.</p> <p>13 MR. RISSMAN: Are you going to withdraw your</p> <p>14 motion to strike now?</p> <p>15 MR. IVERSON: No.</p> <p>16 MR. RISSMAN: Okay.</p> <p>17 MR. IVERSON: I think it's improper</p> <p>18 questioning, so that's why I'm objecting to the</p> <p>19 form of the question; and we'll let the judge</p> <p>20 decide.</p> <p>21 MR. RISSMAN: Okay.</p> <p>22 BY MR. RISSMAN:</p> <p>23 Q. And does it upset you that someone else has</p> <p>24 testified under oath that you were lying to the</p> <p>25 police?</p>

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82 to 85

Page 82	Page 84
1 A. No. I'm not that easily upset.	1 do any jail time. Community service, suspended
2 Q. Okay. Does it surprise you --	2 license, reinstatement fees, all that stuff.
3 A. It surprises --	3 Q. So you mention suspended license, community
4 Q. -- that someone that you -- that you don't	4 service. Did you have a certain number of hours of
5 know would testify under oath that you lied to the	5 community service?
6 police when you say didn't?	6 A. I'm not -- I don't recall how many hours,
7 A. Yes, it does, because I know that I never	7 but yes.
8 hit anyone. I was not involved in that altercation.	8 Q. There was some number that you were given?
9 I pulled my phone out to record to help the police;	9 A. Yeah.
10 and why they say I'm involved, I have no clue.	10 Q. Okay. Did you have to complete any type of
11 Q. Okay. So you have no explanation for	11 treatment for alcohol --
12 that --	12 MR. IVERSON: Object to the form.
13 MR. IVERSON: Object to the form.	13 BY MR. RISSMAN:
14 BY MR. RISSMAN:	14 Q. -- or any of that?
15 Q. -- for their testimony?	15 A. Volunteer, yes.
16 A. They lied. That's the explanation. They	16 Q. I'm sorry?
17 lied.	17 A. Volunteer, yes. That wasn't forced, to take
18 Q. Do you have any reason why -- do you know	18 an AA class, but I took an AA class thinking it would
19 any reason why these two women would lie?	19 help me.
20 A. Why would they lie in their testimony?	20 Q. Okay. How many of those did you take?
21 There's the question. No, I don't. I don't know	21 A. Three, I believe.
22 these ladies. I didn't know anyone at the scene.	22 Q. Okay. And did you believe you had an
23 Q. And you didn't see either of these -- these	23 alcoholism problem at the time?
24 women, these Latina ladies at the laundry mat, you	24 MR. IVERSON: Object to form.
25 didn't see them get involved at all, did you?	25 THE WITNESS: No.
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1 A. Not that I know of, no.	1 BY MR. RISSMAN:
2 Q. Okay. You can put that one aside,	2 Q. No?
3 Ms. Miller. I'm going to switch gears a little	3 A. No.
4 bit --	4 MR. RISSMAN: He's going to object so it's
5 A. Uh-huh.	5 kind of a pause.
6 Q. -- and ask you about some of your	6 THE WITNESS: Okay.
7 background.	7 MR. RISSMAN: Yeah. It's kind of a weird
8 Other than a parking ticket or a speeding	8 dynamic.
9 ticket, have you ever been convicted of a crime?	9 BY MR. RISSMAN:
10 A. Yes.	10 Q. So did you -- after these three classes, did
11 Q. What have you been convicted of?	11 you continue to drink alcohol from time to time?
12 A. Driving under the influence, DUI or DWI, I'm	12 A. Yes. Still do.
13 not sure exactly which one it was, blew a .08.	13 Q. Okay. Were you intoxicated the night of
14 Q. You blew a .08?	14 January 16, 2015?
15 A. Uh-huh.	15 A. No.
16 Q. Okay. And do you remember when that was?	16 Q. Do you use any other recreational drugs?
17 A. It's been over ten years, I believe, seven	17 A. Smoke marijuana.
18 to ten years ago.	18 Q. The night of January 16, 2015, had you
19 Q. Okay. If I told you it was in December of	19 smoked marijuana?
20 2007, does that ring a bell?	20 A. I'm not sure.
21 A. Yeah. Well, about ten years ago.	21 Q. So it's possible you did?
22 Q. Okay. And did you serve any jail time as a	22 A. It's possible I did, it's possible I didn't.
23 result of that?	23 Q. How often do you smoke marijuana?
24 A. I did a weekend in the workhouse, I	24 A. Every once in a while, maybe once a week.
25 believe -- nope, nope, nope. For that, no, I didn't	25 Q. Okay. Have you ever been sued before?

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<p>1 MR. IVERSON: Object to the form.</p> <p>2 THE WITNESS: Sued? Yes, I've been sued.</p> <p>3 BY MR. RISSMAN:</p> <p>4 Q. Okay. And what were those cases about?</p> <p>5 A. It was just one case, and it was back rent.</p> <p>6 Q. I'm sorry?</p> <p>7 A. Back rent.</p> <p>8 Q. Back rent?</p> <p>9 A. Yes.</p> <p>10 Q. And was that your landlord sued you for back</p> <p>11 rent?</p> <p>12 A. Correct.</p> <p>13 Q. And was her name Karen Pelek?</p> <p>14 A. Yes.</p> <p>15 Q. And did you owe her \$2,000, approximately?</p> <p>16 A. Approximately.</p> <p>17 Q. Okay. Is that for about -- was it for</p> <p>18 multiple months' rent?</p> <p>19 A. It was rent, repairs.</p> <p>20 Q. And did you -- did she get a judgment</p> <p>21 against you?</p> <p>22 A. Yes. Paid in full.</p> <p>23 Q. Have you ever been sued by Payday Loans</p> <p>24 before?</p> <p>25 A. Oh, yeah, I have.</p>	<p>1 use the restroom, please?</p> <p>2 MR. RISSMAN: Yeah. Why don't we do that,</p> <p>3 take a couple-minute break. Go off the record.</p> <p>4 That sounds good.</p> <p>5 (A recess was held at 5:00 p.m. and the</p> <p>6 foregoing deposition resumed at 5:03 p.m.)</p> <p>7 MR. RISSMAN: We can go back on the record.</p> <p>8 Ms. Miller, I don't have any further</p> <p>9 questions. Thank you for your time.</p> <p>10 MR. IVERSON: Ms. Miller, my name is Jon</p> <p>11 Iverson. I'm one the attorneys representing the</p> <p>12 City Defendants' in this case.</p> <p>13 EXAMINATION</p> <p>14 BY MR. IVERSON:</p> <p>15 Q. You testified the one that was the aggressor</p> <p>16 was the one that passed away?</p> <p>17 A. Correct.</p> <p>18 Q. Now, the -- do you believe that he was a</p> <p>19 threat to you at any time?</p> <p>20 A. Yes.</p> <p>21 Q. Prior to him coming at you with a crowbar,</p> <p>22 had he threatened you?</p> <p>23 A. No.</p> <p>24 Q. Did you believe that he was going to hit you</p> <p>25 with that crowbar?</p>
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<p>1 Q. Okay. What was the circumstance of that?</p> <p>2 A. I lost my job, couldn't pay them, got sued,</p> <p>3 paid them with the next paycheck or whatnot.</p> <p>4 Q. So you had taken out a loan --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- and you couldn't pay on time?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. This case -- so as you may know, this</p> <p>9 is a civil case against the City of Brooklyn Center</p> <p>10 and three individual officers.</p> <p>11 A. Uh-huh.</p> <p>12 Q. The case may go to trial this year or next</p> <p>13 year. Would you be willing to fly to Minnesota and</p> <p>14 be a witness at trial?</p> <p>15 A. If it's in the summertime. Yes, I am.</p> <p>16 Seriously, I will, yes. As long as you guys pay for</p> <p>17 all my accommodations.</p> <p>18 Q. Okay.</p> <p>19 THE WITNESS: Can I ask about how much</p> <p>20 longer this will take?</p> <p>21 MR. RISSMAN: I'm just looking to see if I</p> <p>22 have anything else.</p> <p>23 THE WITNESS: Okay.</p> <p>24 MR. RISSMAN: But we're almost done.</p> <p>25 THE WITNESS: While you're doing that, may I</p>	<p>1 A. Yes.</p> <p>2 Q. Was it the police running up hollering,</p> <p>3 "Drop it" that got him away from you?</p> <p>4 A. Yes.</p> <p>5 MR. RISSMAN: Object to the form, calls for</p> <p>6 speculation.</p> <p>7 BY MR. IVERSON:</p> <p>8 Q. Is it your belief that when he heard the</p> <p>9 police running up that that's when he moved away from</p> <p>10 you?</p> <p>11 MR. RISSMAN: Objection to form, calls for</p> <p>12 speculation.</p> <p>13 THE WITNESS: Correct. Yes.</p> <p>14 BY MR. IVERSON:</p> <p>15 Q. And, at that point, you saw him turn and you</p> <p>16 believe he was going towards the black guy sitting on</p> <p>17 the curb?</p> <p>18 A. Correct.</p> <p>19 Q. Was he a threat, in your opinion, to that</p> <p>20 individual?</p> <p>21 MR. RISSMAN: Object to the form, calls for</p> <p>22 speculation.</p> <p>23 THE WITNESS: Yes. He still had the rod up.</p> <p>24 He still had the rod up like he was going to hit</p> <p>25 somebody with it.</p>

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<p>1 BY MR. IVERSON:</p> <p>2 Q. And you testified you were the one that</p> <p>3 said, "Tase his ass"?</p> <p>4 A. Yes.</p> <p>5 Q. Why'd you say that?</p> <p>6 A. I was scared he was going to hit me in my</p> <p>7 head. I mean, he would have hit me dead in my</p> <p>8 forehead with that rod, he was that close; and he was</p> <p>9 drawing back. So, to me, it was just like he</p> <p>10 wasn't -- I don't know if he was in his right mind, I</p> <p>11 don't know, but he scared me. You know, I thought he</p> <p>12 was going to hit me.</p> <p>13 And the way he was beating on the other</p> <p>14 guy -- I'm sorry he passed away, I'm even sorry I</p> <p>15 said that -- but, yes, I said that. And I said it</p> <p>16 because, at that moment, I felt like, you know,</p> <p>17 you're out here beating on these people you deserve</p> <p>18 what you get. Not death. No one deserves to die in</p> <p>19 this matter, so I don't want anyone to think I'm</p> <p>20 being harsh about his death. I wish he would have</p> <p>21 never passed away.</p> <p>22 But, yes, I was the one that said, "Tase</p> <p>23 him."</p> <p>24 Q. In your opinion, was he -- did he deserve to</p> <p>25 be Tased in that moment?</p>	<p>1 the Asian man swinging and hitting people. That is</p> <p>2 what I saw.</p> <p>3 Q. There was a 911 call at 9:15:05 where a</p> <p>4 bystander says, "There's, like, a big old fight over</p> <p>5 here. There's a man hitting somebody with a bat.</p> <p>6 It's crazy over here right now."</p> <p>7 A. Uh-huh.</p> <p>8 Q. Do you recognize that statement being</p> <p>9 something that you or your daughter might have made?</p> <p>10 MR. RISSMAN: Object to the form, calls for</p> <p>11 speculation.</p> <p>12 THE WITNESS: I'm not sure. It could have</p> <p>13 been my daughter, but I don't believe it was me.</p> <p>14 But it could have been. I'm not sure.</p> <p>15 BY MR. IVERSON:</p> <p>16 Q. When the man was down on the ground after</p> <p>17 being Tased, did he let go of the crowbar?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you remember officers telling him to,</p> <p>20 "Drop it"?</p> <p>21 A. Before he was Tased and as he was being</p> <p>22 Tased, yes.</p> <p>23 Q. Had he dropped it?</p> <p>24 A. I'm not sure -- no, no. He didn't drop --</p> <p>25 he was Tased. If he -- if any time he dropped that</p>
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<p>1 A. Yes.</p> <p>2 Q. Did the guy that approached you with the</p> <p>3 crowbar speak to you in English?</p> <p>4 A. Yes.</p> <p>5 Q. Clear English?</p> <p>6 A. Yes. I understood exactly what he said.</p> <p>7 I'm not sure if it was broken Asian-English or if it</p> <p>8 was just straight English. But I know he told me to</p> <p>9 stop recording him or, "Put your phone down," and</p> <p>10 things of that sort. I understood him clearly.</p> <p>11 Q. Were you at all confused when the police</p> <p>12 arrived?</p> <p>13 A. Yes.</p> <p>14 Q. You knew that it was police arriving?</p> <p>15 A. I didn't know police were arriving until I</p> <p>16 heard him behind me telling him to drop it.</p> <p>17 Q. Now, were there other people around</p> <p>18 hollering?</p> <p>19 A. There was a lot of people out there.</p> <p>20 Q. You said there was a lot of commotion?</p> <p>21 A. Yes.</p> <p>22 Q. And how many people actively were involved</p> <p>23 in this fight?</p> <p>24 A. As far as I saw, it was just the -- the</p> <p>25 three people, the Asian man holding the black man and</p>	<p>1 crowbar, or that rod, he was Tased first, because the</p> <p>2 officer told him to, "Drop it, drop it, put it down."</p> <p>3 He did not put it down. He still had it raised, then</p> <p>4 he was Tased. So he may have dropped it when he got</p> <p>5 Tased.</p> <p>6 Q. Do you remember it being dropped at all?</p> <p>7 A. No.</p> <p>8 Q. Do you remember him holding the crowbar</p> <p>9 after he had been Tased?</p> <p>10 A. No.</p> <p>11 MR. RISSMAN: Objection, asked and answered.</p> <p>12 THE WITNESS: No. I don't -- don't recall.</p> <p>13 BY MR. IVERSON:</p> <p>14 Q. Do you remember or did you see him get a</p> <p>15 seven-second application from the Taser?</p> <p>16 A. I don't recall.</p> <p>17 Q. You don't recall whether he was --</p> <p>18 A. Tased twice?</p> <p>19 Q. -- Tased a second time?</p> <p>20 A. No, I don't.</p> <p>21 Q. You didn't see that?</p> <p>22 A. I don't -- no, I didn't see a second Tase.</p> <p>23 I didn't see the first Tase. I didn't see it</p> <p>24 literally go in him. But I knew -- you could hear</p> <p>25 something. He was Tased and he hit the ground.</p>

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<p>1 Q. I'll represent to you that there was a 2 second application of the Taser device. 3 A. Okay. 4 Q. You didn't hear or see that? 5 A. No. 6 Q. You don't know how long afterwards that 7 would have been? 8 A. No. 9 Q. Do you recall hearing any commands to the 10 individual about, "Roll over, get on your stomach"? 11 A. I don't recall. 12 Q. Do you recall the officers directing 13 everyone to, "Get down"? 14 MR. RISSMAN: Object to the form. 15 THE WITNESS: I don't recall. 16 BY MR. IVERSON: 17 Q. So after he was Tased, you don't have a real 18 vivid memory of the events -- 19 A. Correct. 20 Q. -- is that fair? 21 A. Correct. That is true. 22 MR. RISSMAN: Object to form. 23 BY MR. IVERSON: 24 Q. So you remember the events up to the first 25 Taser; and after that is kind of a blur?</p>	<p>1 with it. 2 Q. And did you see the Asian woman approach any 3 of the individuals? 4 A. No. She was a total blackout to me. I 5 don't recall seeing her throughout -- from the time 6 they -- we got out and put my clothes in the -- my 7 car, I don't recall seeing her at all. 8 Q. Do you recall smelling Mace? 9 MR. RISSMAN: Objection, lacks foundation. 10 THE WITNESS: I don't. 11 BY MR. IVERSON: 12 Q. Do you recall hearing anyone saying that 13 they couldn't see because they were Maced or pepper 14 sprayed? 15 A. No. And I was right there. I would guess I 16 would have smelled it, felt it, or something. I 17 don't recall any Mace. 18 Q. You indicated that the man that was Tased 19 hit his head and appeared injured, correct? 20 A. Correct. 21 Q. How long after he was Tased did that -- are 22 you basing that statement -- that was a bad question. 23 Can you describe how many seconds it was 24 from the time he was Tased until you made the 25 observation that he was injured?</p>
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<p>1 A. After that -- 2 MR. RISSMAN: Object to form. 3 THE WITNESS: -- not all of it is a blur. I 4 remember the police coming up talking to me, 5 taking a statement, asking me to send the 6 recording to his phone, one of the officers; and 7 then I realized the phone never recorded. 8 So I remember bits and pieces of it. I 9 don't remember him being Tased twice. I don't 10 recall if they told him to roll over, I don't 11 recall if he tried to get back up. I don't 12 recall all of that. 13 BY MR. IVERSON: 14 Q. Did you ever see the woman, that you 15 believed pregnant, trying to protect the friends that 16 she was with? 17 A. Yes. 18 Q. What was she doing? 19 A. She -- when the one Asian guy had the bear 20 hug on the black guy, and the other guy with the 21 crowbar or the metal rod was hitting him, she walked 22 up and she was like, "Please stop hitting him," like 23 this (indicating). 24 And I think she had her bag on her wrist, or 25 maybe cupped in her arm; and the Asian guy struck her</p>	<p>1 A. I'll say approximately -- I don't know -- 2 15, 20 seconds, maybe 30 seconds. I really don't 3 recall. 4 Q. Was that when he was sitting on the ground 5 or was he on the stretcher? 6 A. He was on -- he was on the ground. I recall 7 seeing him, I believe, facedown on the ground. Next 8 time I looked in his face, he was in the chair of the 9 paramedics, the bed of the paramedics, sitting up, 10 and he was dazed in his face. 11 Q. So it was when he was sitting up with the 12 paramedics that he appeared dazed? 13 A. Correct. 14 MR. RISSMAN: Objection, misstates her 15 testimony. 16 BY MR. IVERSON: 17 Q. Did he appear dazed before that? 18 A. Yeah. 19 Q. How? 20 A. Laying on the ground. Just his eyes, just 21 looking in his eyes, you can tell that either the 22 Tase -- the Tase did something to him or him hitting 23 his head on the ground did something to him. You can 24 just look in his eyes and see -- and tell that he 25 wasn't all there at the moment. He looked totally</p>

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<p style="text-align: right;">Page 98</p> <p>1 different than what he did when he was being 2 aggressive. 3 Q. And what were the police doing at that 4 moment? 5 A. At which moment? 6 Q. When he was sitting on the ground. 7 A. Walking around getting statements, talking 8 to people. I believe talking to the other Asian 9 people as well as the black people. 10 It was a lot of commotion out that day, so 11 I'm going to assume everybody was just -- they were 12 walking around, talking. And, of course, they were 13 there tending to him. 14 Q. How many people were placed in handcuffs? 15 Did you see? 16 A. No. 17 Q. Did you hear the officers direct people to 18 lay down on their stomachs? 19 A. No. 20 Q. You don't remember that? 21 A. I don't remember that. 22 MR. IVERSON: That's all I have. Thank you. 23 MR. RISSMAN: I don't have any further 24 questions. 25 So, Ms. Miller, you have an -- so the court</p>	<p style="text-align: right;">Page 100</p> <p>1 THE COURT REPORTER: It's in the transcript. 2 Is that the correct address in the transcript -- 3 THE WITNESS: Yes. 4 THE COURT REPORTER: -- the French Creek, I 5 believe you said? 6 THE WITNESS: Yes. 7 MR. RISSMAN: Okay. Thank you. 8 MR. IVERSON: Thank you very much. 9 THE COURT REPORTER: And, Counsel, you did 10 want to order this today? 11 MR. RISSMAN: Yeah. 12 THE COURT REPORTER: Regular time or did you 13 need it quicker? 14 MR. RISSMAN: What's your regular time? 15 THE COURT REPORTER: Eight business days. 16 MR. RISSMAN: Yeah, that should be fine. 17 THE COURT REPORTER: Counsel, did you want a 18 copy, as well? 19 MR. IVERSON: Yeah. 20 (The foregoing proceedings were concluded at 21 5:20 p.m.) 22 (Reading and signing of the deposition was 23 not waived by the witness and all parties.) 24 25</p>
<p style="text-align: right;">Page 99</p> <p>1 reporter here is going to a transcript, and you 2 have an opportunity to read it, and review it, 3 and see if there's any errors in it. 4 THE WITNESS: Uh-huh. 5 MR. RISSMAN: You can waive that right if 6 you want or you can have the transcript mailed to 7 you. Which would you prefer? 8 THE WITNESS: I'd like it mailed to me, 9 please. 10 THE COURT REPORTER: Actually, you would 11 come to our office, which our office is in this 12 building. It's on the seventh floor. 13 So if you want to read it, that's the 14 procedure. I would send you out a letter stating 15 your transcript is ready, and you'd schedule an 16 appointment with our office to come here and do 17 that. 18 MR. RISSMAN: Okay. Sure. 19 THE WITNESS: Okay. 20 MR. RISSMAN: And just leave her your 21 address. 22 THE COURT REPORTER: It will be on the 23 letter that she receives. 24 MR. RISSMAN: Okay. And you have her 25 address?</p>	<p style="text-align: right;">Page 101</p> <p style="text-align: center;">S T I P U L A T I O N S</p> <p>1 2 3 4 It was stipulated by and between counsel for the 5 respective parties herein that: 6 1. Reading and signing of the deposition by the 7 deponent are reserved. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1	CERTIFICATE OF OATH	1	ERRATA SHEET
2	STATE OF FLORIDA	2	DO NOT WRITE ON THE TRANSCRIPT - ENTER CHANGES ON THIS
3	COUNTY OF HILLSBOROUGH		PAGE
4		3	
5	I, Teresa R. Cruise, Notary Public, State of		IN RE: K. Khottavongsa v. City of Brooklyn Center
6	Florida, certify that LINDA MILLER personally	4	Deposition of: LINDA MILLER
7	appeared before me on the 22nd day of June, 2017 and		June 22, 2017
8	was duly sworn.	5	U.S. Legal Job No.: 1588059
9		6	
10	Signed this 3rd day of July, 2017.		Page No. Line No. Change Reason
11		7	
12		8	
13		9	
14		10	
15		11	
16	TERESA R. CRUISE,	12	
17	Notary Public - State of Florida	13	
18	Commission Number: FF203811	14	
19	Expiration Date: 02/25/19	15	
20		16	
21		17	
22		18	
23		19	
24		20	Under penalties of perjury, I declare that I have
25		21	read the foregoing document and that the facts stated
		22	in it are true.
		23	
		24	Date LINDA MILLER
		25	

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1	C E R T I F I C A T E
2	
3	State of Florida
4	County of Hillsborough
5	
6	I, Teresa R. Cruise, Court Reporter,
7	certify that I was authorized to and did
8	stenographically report the deposition of LINDA
9	MILLER, pages 1 through 105; that a review of the
10	transcript was requested; and that the transcript is
11	a true record of my stenographic notes.
12	
13	I further certify that I am not a relative,
14	employee, attorney, or counsel of any of the parties,
15	nor am I a relative or employee of the parties'
16	attorney, nor am I financially interested in the
17	action.
18	
19	Dated this 3rd day of July, 2017.
20	
21	TERESA R. CRUISE
22	
23	
24	
25	

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